

Also, petition of the New Hampshire Historical Society, favoring the passage of legislation making an appropriation for the preservation of the national archives; to the Committee on the Library.

By Mr. GUERNSEY: Petition of W. W. Ansby, favoring the passage of legislation for the construction of the Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

By Mr. HAYES: Petition of the Chamber of Commerce of San Francisco, Cal., favoring the passage of House bill 22589, making an appropriation for the building of embassy, legation, etc., buildings; to the Committee on Foreign Affairs.

Also, petition of P. W. Deckman, Oxnard, Cal., favoring the passage of House bill 19800, granting pension to veterans of the Indian wars; to the Committee on Pensions.

Also, petition of Judson G. Wall, New York, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of San Francisco, Cal., protesting against the reduction of tariff on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of S. H. Frank & Co., of San Francisco, Cal., favoring the passage of legislation for the reduction of duty on tanning extracts; to the Committee on Ways and Means.

Also, petition of R. F. Shackelford, Bakersfield, Cal., favoring the amending of House bill 5392—the Sutherland compensation bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Josiah Whippley, Newell, W. Va., favoring the passage of House bill 1330, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Navy League of the United States, of Washington, D. C., favoring the passage of House bill 1309, for a council of national defense; to the Committee on Naval Affairs.

By Mr. PADGETT: Petition of citizens of the seventh district of Pennsylvania, favoring the passage of legislation compelling all concerns selling goods direct to the consumer entirely by mail to contribute their portion of the funds for the development of the local community, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: Petition of the Philadelphia Chamber of Commerce, favoring the passage of legislation for the construction of a 1,700-foot dry dock at League Island; to the Committee on Naval Affairs.

By Mr. ROBERTS of Massachusetts: Petition of citizens of Stoneham, Mass., favoring the passage of the Kenyon-Sheppard liquor bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Pine Bluff Lodge, No. 305, Brotherhood of Railroad Trainmen, protesting against the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the National Society for the Promotion of Industrial Education, New York, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Columbia and Snake River Waterways Association and other business clubs, etc., of Idaho and Washington, favoring the passage of legislation making an appropriation of \$1,400,000 for the completion of the Celilo Canal; to the Committee on Rivers and Harbors.

By Mr. SLOAN: Petition of the Methodist congregation of Geneva, Nebr., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of the Connecticut Pharmaceutical Association, favoring the passage of House bill 25834; to the Committee on Ways and Means.

By Mr. GUERNSEY: Petition of residents of Monticello, Me., favoring the passage of the Kenyon-Sheppard liquor bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. VARE: Petition of the Blaisdell Paper Pencil Co., Philadelphia, Pa., protesting against the proposed reduction of tariff on lead for pencils; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany House bill 28091, granting a pension to William Ash; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Judson G. Wall, of New York, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

SENATE.

THURSDAY, January 16, 1913.

Rev. Oliver Johnson, of Winnsboro, S. C., offered the following prayer:

Our Father, who art in heaven, we all need that wisdom which cometh down from above, which is first pure, then peaceable, gentle, easy to be entreated, full of mercy and good fruits, without partiality and without hypocrisy. Make each of us earnestly to desire that his wisdom may be Thy wisdom and his will Thy will, that the Divine approval may rest upon all our acts. And whatsoever things are true and honest and of good report, may we think on those things, and so think on them that we shall love them and do them. Through our Lord Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore (Mr. BACON) laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Benjamin Jarvis v. United States (S. Doc. No. 1011).

James Munns v. United States (S. Doc. No. 1012).

Charles M. Marshall v. United States (S. Doc. No. 1013).

James J. Buck v. United States (S. Doc. No. 1014).

Richard L. Gorman v. United States (S. Doc. No. 1015).

Louis W. Knobe v. United States (S. Doc. No. 1016).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and opinion filed by the court in the case of T. L. Love, surviving partner of Robert Love & Son, v. United States (S. Doc. No. 1017), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of members of the National Association of Audubon Societies, remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TOWNSEND (for Mr. SMITH of Michigan) presented memorials of the congregations of the Seventh-day Adventist Churches of Battle Creek, Sumner, Charlotte, North Branch, Lakesfield, Lowell, Grandville, Berrien Springs, Flint, Lansing, Allegan, Sturgis, Grand Rapids, Chesaning, Hastings, Quincy, Oxford, and Urandale, all in the State of Michigan, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. KERN presented memorials of sundry citizens of South Bend, Ind., remonstrating against the enactment of legislation providing for the opening of post offices on Sunday, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a memorial of sundry citizens of Berlin, N. H., remonstrating against the enactment of legislation providing for the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented petitions of the congregations of the Pilgrim Church, of Nashua; the Village Church, of Franklin; and the Baptist Church of Meriden, all in the State of New Hampshire, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of members of the Village Improvement Association, of Milford, Conn., and a petition of sundry citizens of Washington, Conn., praying for the enactment of legislation providing for the protection of migratory birds, which were ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Norwich, Hartford, Guilford, and New London, all in the State of Connecticut, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. LODGE presented petitions of the students of the Newton Technical High School, of Newtonville, Mass., praying for the passage of the so-called Page vocational-education bill, which were ordered to lie on the table.

Mr. SHIVELY presented a memorial of the congregation of the Seventh-day Adventist Church of Goshen, Ind., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of Jacob Schott, Sherman L. Naftzger, A. G. Schafer, and 59 other citizens of South Bend,

Ind., remonstrating against the repeal of the law providing for the closing of post offices on Sunday, which were referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a petition of the East Liberty Presbyterian Congregation, of Pittsburgh, Pa., and a petition of the congregation of the First Presbyterian Church of Oil City, Pa., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

He also presented petitions of the Conference of Baptist Ministers of Philadelphia; of the East Liberty Presbyterian Congregation, of Pittsburgh; of the congregations of the Friendship Avenue Presbyterian Church, of Pittsburgh; the First Baptist Church of Hollidaysburg; and of the First Presbyterian Church of Oil City; and of the Men's Bible Class of the First Methodist Episcopal Church of Scottsdale, all in the State of Pennsylvania, praying for the passage of the so-called Kenyon "red-light" injunction bill, which were ordered to lie on the table.

He also presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for a reduction of the postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. MARTIN of Virginia presented sundry papers to accompany the bill (S. 5554) granting a pension to Lucy W. Lockwood, which were referred to the Committee on Pensions.

Mr. WORKS presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against a reduction of the duty on sugar, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Immigration, to which was referred the bill (H. R. 21220) to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, reported it with amendments.

Mr. CRAWFORD (for Mr. CRANE), from the Committee on Commerce, to which was referred the joint resolution (H. J. Res. 210) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission, reported it without amendment and submitted a report (No. 1112) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (H. R. 3769) for the relief of Theodore N. Gates, reported it without amendment and submitted a report (No. 1113) thereon.

He also, from the same committee, to which was referred the bill (S. 6082) granting an honorable discharge to George M. Bryan, submitted an adverse report (No. 1114) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 7792) authorizing James Sotille, his heirs and assigns, to construct, maintain, and operate a bridge and approaches thereto across Cooper River, Charleston County, S. C., and also a bridge and approaches thereto across Schem Creek, Charleston County, S. C., reported it without amendment.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5859. A bill to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133; Rept. No. 1115); and

S. 6506. A bill authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal. (Rept. No. 1116).

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (H. R. 18425) to remove the charge of desertion from the military record of Simon Nager, reported it with amendments and submitted a report (No. 1117) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 23001) to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers, reported it without amendment and submitted a report (No. 1118) thereon.

CROW INDIANS OF MONTANA.

Mr. CHAMBERLAIN. From the Committee on Indian Affairs I report back Senate resolution 352, with a substitute, and I submit a report (No. 1110) thereon. It is short, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read by title for information.

Mr. GALLINGER. Let it be read for information.

The PRESIDENT pro tempore. The resolution will first be read as introduced.

The Secretary read the resolution submitted by Mr. Townsend July 6, 1912, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, authorized to place in the hands of the Attorney General such papers, records, and other information in reference to the affairs of the Crow Indians of Montana as will enable the Attorney General to investigate such affairs and to bring such action as may be necessary to protect the interests and secure the rights of said Indians; and the Attorney General is hereby authorized to make such investigation and to bring such action, if any, as the investigation may disclose to be necessary.

The PRESIDENT pro tempore. The Secretary will now read the amendment for the information of the Senate.

The SECRETARY. The Committee on Public Lands proposes a complete substitute, to read as follows:

Resolved, That the Attorney General be, and he is hereby, authorized to investigate the affairs of the Crow Indians of Montana and to bring and prosecute such action as may be necessary to protect the interests and secure the rights of such Indians, or of any member of them, and all departments of the Government are authorized to turn over to the Attorney General such records, papers, and other information as he may require to make such investigation or bring such action.

Mr. BORAH. Mr. President, what is the nature of the work which the resolution calls for?

Mr. CHAMBERLAIN. There have been a number of investigations of the Crow Indian Agency and its affairs, and it never seems to have been settled satisfactorily to anyone. This resolution is for the purpose of putting it under the Department of Justice and having that department investigate and make report, leaving to them discretion by moving in the matter or not, as they see fit.

Mr. BORAH. Does the resolution authorize and instruct the Attorney General to proceed?

Mr. CHAMBERLAIN. It authorizes him; it does not instruct him.

Mr. BORAH. Does he need any authorization now?

Mr. CHAMBERLAIN. I rather think he does, under the practice of the departments. I do not think he would feel disposed to do it without such an authorization.

Mr. BORAH. What I had in mind particularly was that at the last session when we undertook to pass a resolution here directing the Attorney General to proceed with a certain prosecution it was claimed that we had no authority to do it. I am very glad to see the precedent established.

Mr. CHAMBERLAIN. I should like to see it established myself.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. DIXON. Mr. President—

The PRESIDENT pro tempore. The question now is simply the question of consideration, and that is not debatable.

Mr. DIXON. I do not care to object to the consideration of the resolution. I think, in justice to the Senate, there ought to be some explanation made of this matter by at least some member of the Committee on Indian Affairs who knows the circumstances.

If the purpose of the resolution was not to investigate an Indian reservation within my own State, I would object to it without any hesitancy whatever, but for fear my action might be misconstrued, simply because the Crow Reservation is situated in the State of Montana, I shall not object to its consideration. I do think that the passage of this resolution is a foolish piece of business.

Mr. WARREN. Then why not object?

Mr. DIXON. Because it is within my own State I fear my objection might be misconstrued. I want to say to Senators who are not familiar with the Crow Reservation matter that the Committee on Indian Affairs for five successive winters have heard this woman come before it and tell her story.

Mr. WARREN. I beg the Senator's pardon, but is this the woman Gray?

Mr. DIXON. Helen Pierce Gray. She has repeatedly been before the Senate Committee on Indian Affairs; last year she was before the House committee; and she has caused, I think, up to this time an expenditure of at least \$25,000.

The PRESIDENT pro tempore. The question is now whether the resolution shall be considered.

Mr. DIXON. I shall not object to its consideration, but when it comes up for passage I shall want to make a statement to the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BROWN. I think the resolution ought to be printed and lie over for a day, so as to give us an opportunity to examine it.

The PRESIDENT pro tempore. Undoubtedly, if there is any objection, it will go over.

Mr. BROWN. I do object.

The PRESIDENT pro tempore. The Senator from Nebraska objects.

Mr. DIXON. I should like to ask unanimous consent of the Senate for just about three minutes to explain more than what appears in the report.

The PRESIDENT pro tempore. Without objection, the Senator from Montana will proceed.

Mr. DIXON. Five years ago Helen Pierce Gray came to Washington with a story of crime and misconduct and maladministration on the Crow Reservation.

I want to say that there is not an officer on the Crow Reservation, there is not an employee there, who was ever appointed through my recommendation or influence, and I do not think I know personally a single employee on the Crow Reservation. I have never seen the present agent. He has been there for two years.

When Mrs. Gray first appeared before the Committee on Indian Affairs of the Senate some of us were much impressed by this woman's story and sat patiently for six weeks and heard her story concerning Crow Reservation affairs. The committee authorized the bringing to Washington of Chief Plenty Coos and a delegation of 8 or 10 of the chiefs and head men of the tribe. They came down here and we heard their story day after day.

The result of that investigation was the printing of the hearings, a book of 800 pages, which is still on file, and any Member of the Senate can read it. It resulted in a lot of voluminous, indiscriminate charges against every employee of the reservation—against Commissioner Leupp, against Secretary Garfield, against President Roosevelt—charging every one of them with being criminally connected with the administration of Crow Reservation affairs.

After the whole winter's investigation the committee unanimously instructed the Secretary to send out special agents and investigate thoroughly. The Indian Bureau investigated not once but three different times, by three different special agents, all of the charges then made by this same woman.

The Indian Rights' Association was very much concerned over this woman's story and sent two of their special agents—Sniffens and Brosius—to the Crow Reservation to investigate. Before the investigation was over she had not only included in her list of indictments every member of the Interior Department but the Indian Rights' Association as well. She charged that the agents of the Indian Rights' Association were also in some way mixed up in some great, mysterious steal.

The next winter the Senate committee again heard the same story. I think the next winter we again heard Crow Reservation charges, and another delegation of Crow Indians again were brought to Washington to testify before the committee.

Last year the House Committee on Indian Affairs took up the matter and put this woman on the pay roll and gave orders to the Interior Department to give Mrs. Gray carte blanche authority to investigate all the records. She was there for months on the pay roll of the House Committee on Indian Affairs.

Every inspector who investigated reported the Crow Indian Reservation as clean of any maladministration as any other Indian reservation.

We never could get any specific charges made. If they were, they were of such character that immediately resolved themselves into thin air on a candid investigation of the records of the Indian office.

Now, what were the charges before the committee? I want to say to the Senate that the Committee on Indian Affairs at this time is simply running away from this continuous investigation of the Crow Reservation, and, by reporting this resolution to "authorize the Attorney General to investigate," washing its hands. They do not want to hear any more trouble about the Crow Indians, and they think it is the easiest way—I am putting it mildly—to pass a resolution and have the Attorney General's office investigate it.

It has been investigated by special agents of the Secretary's office and special agents of the Indian Office. This woman has charged both Commissioners Leupp and Valentine with being criminals, and she charged Secretary Fisher the other morning in open committee with being a criminal and mixed up with some great conspiracy "that would shock the world." Every person who has in any way sought to elucidate the charges made by Mrs. Gray and find out what has been the trouble on the Crow Reservation, has been immediately included in her category of criminals.

If there is anything on the Crow Reservation that needs investigating, I think I would be the first man in the Senate to ask to have it done. As I said, I do not even know the present Indian agent. He has been there over two years. I under-

stand that he is a brother of ex-Congressman Scott, of Kansas, who had been in the Indian service and was transferred to Crow Agency from some other place.

I have heard Mrs. Gray make many charges about Crow Reservation matters which I knew were not true, which could not be true. I heard her one morning in the committee make the charge that 10 town sites on the Huntley irrigation project, which at one time was a part of the Crow Indian Reservation, had been surreptitiously turned over to the Burlington Railroad. As a matter of fact, these town sites do not even lie on the line of the Burlington Railroad; they are lands that lie along the Northern Pacific Railroad.

But charges of this kind have been made without any shadow of foundation of any kind, made equally with the same positive assertion as something which might possibly be founded in fact.

Mr. GALLINGER. Who is she?

Mr. DIXON. Helen Pierce Gray.

Mr. GALLINGER. A Montana woman?

Mr. DIXON. No; a Minnesota woman. In the Committee on Indian Affairs the other morning, with the kindest intent, I asked her to make specific these charges. Immediately the person who makes the inquiry is branded as a criminal himself.

She charged the other morning that Indians had been murdered there; that one Indian in the city of Billings had been murdered in a hotel and boxed up in a coffin, and hermetically sealed, and sent to the reservation to be buried, so that nobody could find out how he was killed. He was Alexander Upshaw. I remember him. As I now remember the actual facts, he was killed in a drunken row of some kind in the city of Billings. But these stories are spread before the Committee on Indian Affairs as positive facts.

As a Member of the Senate I think it is my duty, as one member of the Committee on Indian Affairs who has patiently heard these stories for five successive winters, who has heard delegations of the Crows themselves, to state that the Crow chiefs and the head men are on record in the Indian Office that they do not want this woman to come back there and make any more trouble. I heard Inspector McLaughlin, of the Indian service, the oldest inspector in that service, the man who wrote the book *My Friend the Indian*, and who is probably the best authority on Indian affairs of any man living, say that if this woman had gone to the Sioux Reservation and scattered these insinuating stories among those poor, ignorant, and illiterate Indians, you would have had to call out the United States troops to put down the insurrection that would have followed.

This resolution was reported by the committee with only three members present. Three different Secretaries of the Interior—Garfield, Ballinger, and Fisher—have investigated the charges made by Mrs. Gray.

Two different Indian commissioners, Leupp and Valentine, have investigated through their inspectors; the Indian Rights Association have patiently investigated all these matters; and this woman now brands each of these officials and all the inspectors as bad and criminal. Now, the Indian Committee pass the matter on to the Department of Justice and say they may or may not investigate it. That is the extent of the resolution. If the Senate wants to pass it, well and good. If it did not affect a matter within my State, I would fight it to a finish, because I believe it is a pure waste of time and money. You are authorizing the Department of Justice to make the investigation if they want to do so. That is all there is in it; it amounts to nothing more.

Mr. TOWNSEND. Mr. President, I do not feel that this matter ought to rest here even for the day, going over, as it does, until to-morrow, without some kind of a statement in reply to the Senator from Montana [Mr. Dixon].

I am not personally interested in any matter connected with any reservation; nor have I any friends that I know of who are. My attention was first called to this matter when I was a Member of the other House and by a member of the Committee on Indian Affairs there. I listened with a great deal of interest to the things which the now Senator from Montana [Mr. Dixon] and others had to say at that time, which compelled me to believe that perhaps there was not the best, the most economical, and the most honest administration of some of the Indian affairs.

I know very little about Mrs. Gray, but it is not true, if I understand the testimony correctly, that she has made no specific charges, for she has. Neither is it true that every investigation which has been made on that reservation has given a clean bill of health to the administration of affairs. For instance, I notice one very recent report by Inspector Holcomb, I think, which was to the effect that he discovered on the Crow Reservation a man in the employ of the United States Government who, under the law, was forbidden to have any dealings

with the Indians in the nature of purchasing their lands, and so forth; that he married an Indian woman, or one adopted by that tribe, and she had property dealings with the Indians while her husband was agent or superintendent, and that she had acquired considerable property. The inspector condemned this as being an improper thing to do and recommended that the offender be reprimanded and assigned to some other Indian reservation. Mrs. Gray makes specific charges. She brings up charges in reference to the Huntley village site, to which the Senator from Montana calls attention, and brings some certificates from there, showing that certain Indians had located claims where Huntley now is, and that these claims are legal, although the Indians are fraudulently deprived of them, and that these lands so claimed by the Indians are worth many thousands of dollars.

Furthermore, Mr. President, it is true, as the Senator says, that these investigations have been made by the Department of the Interior for the last five years. Whenever Mrs. Gray has been put upon the stand or has appeared before committees, she has been cross-examined unmercifully, and the records will disclose that the attempt seemed to be to convict her of something rather than to investigate the particular charges to which she had called specific attention.

My reason for introducing this resolution was because I believed that the Department of Justice, having an organized force which has been investigating the White Earth Reservation in Minnesota and the Pima Indian Reservation in Arizona, has accomplished much and is well equipped to do the proposed work, and I have asked that this resolution be passed authorizing that department to proceed, and I have done this without any intention to reflect upon any person or department of the Government. I would simply authorize the other departments to turn over to the Attorney General such papers, records, and information as might have a bearing upon this matter.

The committee proceeded to have hearings on this resolution, and proceeded for several days, having much difficulty in getting a quorum, but finally it was determined that, on account of the criminalations and recriminations which were indulged in back and forth before the committee and the difficulties of securing records, and so forth, it would be better to end the hearings and turn it over to the Attorney General for proper investigation, if he shall see fit to make it. Sufficient evidence, however, was received by the committee to warrant this report. It is true, possibly, that only a few Members were actually present when the report was authorized. I do not remember just how many were there, but a constructive quorum was at least present. I understand that the pending resolution was presented to the members of the Committee on Indian Affairs on a poll, and that a majority of the committee voted to report it favorably. It is properly before the Senate.

I feel it will be a great mistake, if, after all that has occurred in reference to these investigations, this resolution shall not be speedily adopted. It is due to the Department of the Interior, it is due to everybody connected with it, that a proper investigation be made of these charges, for they are charges. There are specific charges to the effect that in the administration of the affairs of the Crow Indians in Montana great fraud has been practiced upon those Indians. Mrs. Gray charges that the rolls of the Interior Department have not been properly kept. As corroborating that at the last hearing, the Department of the Interior brought before the committee what purported to be Schedule B, if I recall it—either A, B, or C—which the gentleman in charge, Mr. Holcomb, said he was not able to find at the other hearing, but finally he found it in the archives of the department somewhere, and that paper, which purported to be the record of allotments of the Indians, amounting to millions of dollars in value, was the kind of a paper that a man would expect to find if he had carried the roll around in his hip pocket for months in the summer time. It was almost illegible. No permanent record was there, and anyone could carry this paper away in his pocket.

So it seems to me, Mr. President, that after all the investigations and hearings that have been had it is the part of wisdom that the department, which is organized to investigate these things and to prosecute them, should proceed to determine whether or not there is anything wrong. If there is something wrong, then Congress and the country ought to know it; and if there is nothing wrong, then that also should be disclosed, and thus put an end to these charges, which will never be terminated until a full, fair, and complete investigation has been had.

Personally I say to Senators upon my honor, after having investigated the subject quite carefully, I believe that there are things in connection with Crow Indians which ought to be investigated. There are men who have been connected with the Indian department who have been discharged and are no longer

officially connected with it, who are able to get information from the department which others not so familiar with records there can not obtain.

I do not now want to reflect upon the Interior Department. I know that the Secretary of the Interior, Mr. Fisher, must necessarily rely upon people under him; he must rely on those who get in touch with these things from the outside; and these men, or some of them, are included among the offenders in the charges submitted to the Committee on Indian Affairs.

I am profoundly impressed with the conviction that our duty to our Indian wards has not been completely fulfilled. Their affairs from the very nature of things offer a great opportunity for the corrupt and the conscienceless, and we will fall far short of our full duty if we longer postpone what is clearly our obligation to do. Certainly enough has been presented to put us on notice, and no honest man can be hurt by a disclosure of the true situation in reference to the Crow Reservation.

Mr. DIXON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. I do.

Mr. DIXON. I should like to ask the Senator from Michigan what specific thing or wrong does he want investigated out there? Does he have any definite thing in view, or is this just a shotgun fire?

Mr. TOWNSEND. There are certain things in reference to the general question of allotments, the rights of descendants of dead Indians, and the actions of certain men interested as agents, which are specifically mentioned in that written statement which Mrs. Gray filed, and I think they ought to be investigated. There are many grave and specific charges before the committee. But, sir, I would not limit it. If, when the Department of Justice gets into this matter, it discovers that there are things which ought to be investigated, I want it to go to the limit. I do not believe that the Department of Justice will proceed on a cold track and simply for the purpose of conducting "a shotgun investigation." I believe that we owe it to ourselves that this investigation be made.

Mr. DIXON. Does the Senator have in mind any special wrongdoing which he wants investigated on the Crow Reservation?

Mr. TOWNSEND. I have mentioned certain matters. I can repeat them if the Senator wants me to do so.

Mr. DIXON. I was unable to get any definite information.

Mr. TOWNSEND. I can recall the two Indians whose claims were presented to the committee, one of them relating to the Huntley village site—

Mr. DIXON. I heard the statement which the Senator made about the rolls. The Senator charges that the rolls were kept in some unsafe place. Is the Senator aware that whenever an Indian reservation is surveyed, there is a plat book kept here in the Land Office showing by quarter sections the Indian allotments, and there are other plat books kept upon the reservation and in the Indian Office showing absolutely every Indian's allotment, the same as in the United States Land Office, so that there could be no misconstruction.

Mr. TOWNSEND. I understand that there should be such a roll kept.

Mr. DIXON. Did the Senator hear the chief inspector of the Indian Office say that the plat books were down here in the Land Office? Is the Senator aware of the fact that in Schedule B are the signatures—not copies, but the originals—of the three men who made the treaty with the Indians in 1891?

Mr. TOWNSEND. I saw all of that and that is why I am interested.

Mr. DIXON. Has the Senator read the hearing we had five years ago, which is embraced in a great big book of 800 pages?

Mr. TOWNSEND. I will not say that I have read all of that.

Mr. DIXON. Does the Senator recall the awful wrong which we investigated about Joe Cooper, a "white" Indian, a half-breed, who was alleged to have been starved and wronged and persecuted? This much-wronged Indian, this martyr, as Mrs. Gray made him out to be before the committee, was brought down here, and it turned out on the hearing that Cooper and his children had had allotted to them over 1,800 acres of irrigated land. It was developed that Joe Cooper, the martyr, as Mrs. Gray had held him out to the committee, this much-wronged Indian, living there for 20 years, had cultivated not to exceed 1 acre of this 1,800 acres of irrigated land, and that the house in which he had lived and which the Government agent had given him free of charge, he had burned for firewood? I am simply citing cases which she retailed here five years ago in listing the great wrongs of the Crow Indians. Joe Cooper, the "white" Indian, was one of them, and the main charge at that time was in relation to him.

Mr. TOWNSEND. I desire to state, Mr. President, that I am not making my statement upon an intimate knowledge of all of the previous investigations, but I have talked with members of the committee who were then in the Senate and who were convinced by those previous times that no sufficient investigation had been made. I repeat, with these charges pending and with the charge the Senator suggests, that men have been condemned in a wholesale manner by this woman—she makes some exceptions. There is no escape for us, it seems to me, from the duty to proceed under this resolution and have an investigation made.

Mr. DIXON. I only desire to ask the Senator one other question. Is the Senator aware that Secretary Garfield investigated the Crow Reservation; that Secretary Ballinger, with his inspectors, investigated it; and that Secretary Fisher, with his inspectors, has investigated the Crow Reservation? Is the Senator aware that, in addition to the fact that three Secretaries of the Interior, with their whole force of special agents, have investigated the Crow Reservation, Commissioner Leupp, with his inspectors, investigated it; that Commissioner Valentine, under this continuous agitation as to the Crow Reservation, investigated it with his inspectors; and that the present Assistant Commissioner of Indian Affairs, Mr. Abbott, went there personally and made an investigation?

Mr. TOWNSEND. I am aware of all that, and think I have so stated.

Mr. DIXON. Is the Senator aware that all these Government officials reported that the Crow Reservation was on a par with all the other Indian reservations in the West and that there was nothing in the charges made by this woman, who professes to be a newspaper correspondent?

Mr. TOWNSEND. With the statement of facts as stated by the Senator I can not agree. Those are matters which will be disclosed; but I do know that this woman has been persecuted relentlessly every time she has sought to bring conditions to official attention. I do know that she claims—and she shows pretty good authority for her statement—that she was to go out there under the administration of Secretary Garfield to look into these matters. I know, as a result of her activities, that before she got through she served time in jail and was accused of being insane, but was discharged, and that she was treated with all kinds of indignity, which she says was due to the fact that she was trying to disclose things that some of her persecutors were interested in. That may not be true; but if it is not true, it will be disclosed by a proper investigation, and in no other manner can the truth be known.

Mr. DIXON. I made a suggestion to the committee the other morning, which I will renew to the Senate. The lawyer who defended her after she was arrested after a year out there is T. J. Walsh, one of the best lawyers in my State, who will succeed me on the floor of the Senate on the 4th of March. I suggested that we wait until Mr. Walsh came here and took his oath of office; and as he was her attorney, if he should then say this investigation ought to be made, I would be perfectly happy to have it made.

Mr. TOWNSEND. Will the Senator advise me what his objection is to this investigation?

Mr. DIXON. Simply because this woman for five years has been appearing in the newspaper headlines, and she has caused the expenditure, I think, of \$25,000—that, I think, would be the minimum expenditure which she has caused.

Mr. TOWNSEND. She is not unique in her position as a "headliner."

Mr. TOWNSEND subsequently said: Mr. President, in connection with the discussion on Senate resolution 352 the Senator from Montana [Mr. Dixon] suggested that no specific charges had been made by Mrs. Gray. I ask unanimous consent to have printed in connection with my remarks this morning the printed statement of Mrs. Gray, made before the Indian Affairs Committee on January 9.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

STATEMENT OF MRS. HELEN PIERCE GRAY.

Mrs. GRAY. Mr. Chairman and gentlemen, I will say in the beginning that I am going over some of the ground that some of the older members of the committee know probably too much about, but some of the newer members have asked me so many questions that I thought it would be better to go back so that they will fully understand the situation.

In 1906 I was associated with the Byles News Bureau at Omaha, Neb., which was receiving the news service of the Omaha Bee. My business was to prepare special articles on western topics. To get data I often worked with the land departments of different railways, the Reclamation Service in the West, private irrigating and mining companies, and anyone interested in the development of western lands and resources. The return of Buffalo Bill's party from Europe to Cody, Wyo., the center of an irrigation district to be watered by the Shoshone Dam and Corbett Tunnel, gave opportunity for special stories concerning this district, introduced and featured with his

picturesque personality. I collected a large amount of data and wanted to get away by myself to write it up. The nearby Crow Reservation was promising, and I went there. I secured a room in the boys' dormitory of the Government Indian School, and took meals with the teachers. Notice of the conditions of the school was impressed on me. I talked with Supt. Creel; the doctor; Reynolds, the agent; and the teachers, of the horrible eye disease that affected nearly every child, and a throat affection on the neck under the jaws. I noticed the matron washed all children in the same water, used one flesh brush for all, though the diseased eye and throat sores were discharging. When five years ago I told this story before this committee my statement so shocked the members of the committee that I fear it discredited many of the other things I then said. Investigations afterwards showed that I minimized the facts. This eye disease is trachoma. The gland disease, lumpy jaw.

Later I went back 30 miles to an Indian home on the Little Big Horn. Engaged in my writing, I found whenever I went out of doors Indians waiting to talk to me. They came in groups, two to five or six. They questioned me mainly about the conditions at Washington as to their property. I had never seen an Indian reservation before; knew nothing of Indians or Indian affairs, and never dreamed I was violating a law by telling them if they signed a 25-year lease for the entire reservation, which Commissioner Leupp was then promoting, they would probably come out paupers. I asked Agent Reynolds about this lease. He gave me the printed annual report of the commissioner for 1905-6, containing a statement under the heading of "Crow Indian sugar-beet project." I gave this to the Indians. Later they wanted to know more about this lease, but explained to me for the first time that the agent had threatened to arrest them if they talked to me any more about this business. They were willing to face imprisonment if only permitted to get the facts and save their people. They told me they had called a meeting of the Crow Indian lodge at an adjacent Indian's home and asked me if I were afraid to come to the house and meet the lodge and explain to them about the leases; that the older Indians did not understand what the returned students had explained, but that they would believe me. I went, but sent word to the agent, who had come to Lodgegrass to arrest them, that I wanted him present at the meeting. He sent word he would come, but did not.

They discussed the grazing leases; said they never received their money, though the land had been leased 35 years at \$45,000 a year; that they were sure the lessors had very many more cattle and sheep on the reservation than they were paying for; that their stock trespassed on Indians' farms, so that the Indians had been obliged to give up farming; that lessors branded Indians' cattle as their own. They said that when the reservation was opened under the act of 1904 the Indians' allotments on the ceded portion should be protected; that they should receive \$1,150,000 in cash and other things; that they had never received any money; that their allotments on the ceded portion had been taken away from them; that allotments had been made to Indians who had been dead for generations, and that the land so allotted had been sold; that there was such intimidation they believed that that night would be the only opportunity to discuss these matters. They were willing to suffer, but their children in the Government school had been tortured to bring the fathers to terms. We stayed until morning, and they told me of many other grievances. I was unspeakably shocked, and told them if they would take a petition to President Roosevelt I was certain he would put a stop to such conditions on the reservation. They said they had tried it, and it invariably ended in the agent dealing misery to everyone concerned. They begged me to go to Washington with them, and would raise the money and pay my expenses. They were in such a state of fear that I told them I would do everything I could to help them to put the matter before President Roosevelt in person. In the morning I was arrested by Agent Reynolds. He refused to tell me what I was arrested for; refused to let me communicate with anybody off the reservation. I was taken to Billings.

The agent told the Indians that I had been bought off. A number of them then started to Washington to carry out the plan. They were arrested and thrown into jail at Sheridan. I sent for the agent and told him that unless he released them I would telegraph the men's story all over the United States. Reynolds released the Indians; sent three of them to me in Billings, and we discussed the situation. They said that it would be impossible for them to leave the reservation, but gave me \$300 for my expenses to go to Washington. I sent for Reynolds and told him what I was going to do, and his reply was that I would find that all the rights that the Indians had, or that I had was such as he chose to permit us. I told him I knew what he said was not true; that the Indians were American citizens and so was I. I have found Reynolds's statement, up to the present time, to be true. When I reached Washington I laid the case before President Roosevelt personally. The President directed that Commissioner Leupp give me access to the Crow records and furnish me with a stenographer and show me every courtesy in order that I might prepare a statement to accompany the petition that I brought for the Indians. I prepared such a statement. President Roosevelt spent some hours with me going over my statement and the petition of the Indians. He sent for the then Secretary, Garfield, to come to the White House. He put the statement in his hands, telling him to go over it with me very carefully; that he was going to handle the matter personally. It was arranged that Mr. Garfield's private secretary, Z. L. Dalby, should accompany me to the reservation and make an investigation along the lines that we had arranged. I told the President that I depended upon my writing for my living and had expected to use this story. But we agreed that, inasmuch as making it public would inform those whom we were to investigate, that I would not publish the story. Dalby and I were to spend the necessary time to look over records here. I then started west. I had waited in Chicago more than a month.

I wrote President Roosevelt that I had continual complaints from the Indians that their sheep as well as cattle were being taken off, thus cleaning up the reservation in advance of the investigation; that my promise of silence was solely on the condition that they keep silence and get to the investigation as soon as possible; that something like two months had already elapsed. I also asked that I be sent immediately a proper written commission to return to the reservation. In reply I received a letter from Secretary Garfield informing me that Mr. Dalby would start very shortly for the reservation, but he trusted that I would use none of the information that I had acquired for publication. I also received a letter from Commissioner Leupp, inclosing my authority to return to the reservation, and also a letter from Mr. Dalby explaining what he was doing to cause the delay. I replied that I was perfectly willing to keep silent, but was going to the reservation at once. In order to avoid any publicity on my return, I wired certain Indians to meet me at an out-of-the-way station. I was very much surprised the next night when Mr. Reynolds, in company with a number of other agency officials, came to the place where I was staying, tell-

ing me I was under arrest for returning to the reservation. I told him I had Mr. Leupp's permission to do so. He laughed and said he did not care anything about Mr. Leupp's permission, he had come there to arrest me. He compelled me to accompany him to the agency, about 30 miles distant, without adequate wraps, on a cold night. It was near midnight when we arrived. In the meantime I had nothing to eat.

The Indian court was in session to try my case, and Joe Cooper, president of the Crow Lodge, was in the guardhouse under arrest. They told me that I also was to be locked up in the guardhouse. This guardhouse was a cow shed and filthy beyond comprehension. It was one of the principal instruments for intimidation of the Indians. I warned Reynolds urgently against such a course, and he finally dismissed the court and telegraphed to Washington. I also telegraphed the Chicago Record-Herald, which was backing the investigation at the time, with the result that I was given a room at the hotel and released in the morning by order from Washington. However, I was ill and unable to leave my bed. Toward noon the hotel keeper, Fred Server, came to the door and told me under no circumstances to speak to anyone or to get up. He added that there were some things he could not stand for. About an hour afterwards Mr. Reynolds came to my room with a physician, and I discovered they were examining me as a lunatic. When they went out of the room I got up and found that they had a court in lunacy in session, the clerk acting as United States commissioner. Server secretly wired to Sheridan for a physician. The physician's arrival in the afternoon ended the proceedings in lunacy, and I accompanied him back to Sheridan, where I received a telegram that Mr. Dalby was starting from Washington. On Dalby's arrival he requested that I should remain in Sheridan while he went to the reservation and began the investigation. I consented, remaining there several days.

The residents warned me that Dalby was in continual conference with the gang on the reservation and it would be unsafe for me to go. I wired Dalby he must permit me to come to the reservation at once or I should abandon our plan. He came to Sheridan and agreed that if I would wait several days he would be ready to begin the investigation with me. I did so, starting at the time agreed upon. The Indians came to the train as it reached the reservation and told me that certain petitioners for the investigation had been arrested. I went to the agency, sent for Dalby, and asked him about the arrest. He said he had nothing to do with it. I introduced him to the Indians. He told them that he had come to make a thorough investigation, with their petition and my charges as the basis. They expressed relief and started out at once to summon the Indians, with his consent, to a council to meet him at Lodge Grass. It was raining and nearly dark; some of the Indians would have to ride 200 miles, but they started out at once in high hopes. I returned to my former stopping place on the Little Big Horn. Dalby set a time for the council which gave the Indians barely time to assemble. As Dalby progressed, he told them he would not have anything to do with them unless they dismissed me and had me arrested for interfering. This was against the wishes of the Indians. I was roughly handled. Dalby told the Indians my arrest was by the President's order, to show what he thought of me. He also showed them telegrams and letters that I had written to the President, saying that everything had been turned over to him. Dalby ordered Alex Upshaw to search my trunk. He did so, taking such papers as seemed to be wanted. I was then expelled from the reservation without money and without my baggage. Fortunately, a cattleman who knew Reynolds was at the station and urged me to accept a loan of \$50, which I thankfully did. It was five days before I could get my baggage. Dalby then investigated by himself, threatening some and buying others.

Then Secretary Garfield came to Montana and opened the Huntley irrigation project. Continuing as a writer, I went to Billings. I found there the reservation ring in force, and that it would be impossible for me to go to Huntley. However, I went to Denver, to the lands convention, meeting Secretary Garfield and Mr. Pinchot there. Later I returned to Montana. Meantime I had written to magazine editors in New York of conditions on Crow, and had been asked to come to New York to handle the story. I started, by way of Billings. When I changed trains at Billings I was arrested while buying my ticket to New York, on charge of returning to the reservation after I had been put off. I was taken to the station. While I was sitting in the common room there, some man, who appeared to be a gentleman, and known to the officials, came and said that I would be more comfortable in a smaller room where I was to wait. A man was in this smaller room. He proved to be a United States commissioner, and I discovered the first man was conducting a hearing before him on my case. When I made this discovery I found the door locked. I threatened to open the window and call for help if he did not desist; said I wanted a lawyer, and I wanted to know what they were doing. This hearing was postponed; I was put under \$500 bail, which some unknown person put up in cash. Meanwhile Dalby and Reynolds arrived from the reservation and made additional charges against me of having entered into a contract with restricted Indians without the consent of the Secretary. I was bound over to the grand jury and kept in jail in Helena, incommunicado, for nearly four months, until I managed to get bail. A petition for writ of habeas corpus was denied by Federal Judge Hunt, now of the Commerce Court here, by whom it was heard perfunctorily. After I got out of jail the cattle-men got together and started a paper in Billings, which was purchased by one of the lessors on the reservation, Charley Blair, for the purpose of preventing further publicity.

When the grand jury met they completely exonerated me. I came at once to Washington and had a hearing before this committee, which was reported in Senate Document 445, parts 1 and 2, Sixtieth Congress, first session. The result of the hearing was that the Senate ordered an investigation and made appropriations for the same. The Senate refused to confirm Dalby's appointment as Indian inspector until in August, 1909, at which time he was confirmed on condition that he would immediately resign from the service. Dalby did resign, but immediately returned to Washington as attorney for the very lessors on the Crow Reservation whom he had been sent to investigate, and whose conduct he had whitewashed in his report. Near midnight of March 3, 1909, the original resolution making the appropriation was rescinded by Senator Kean. The following year the House Indian Committee unanimously asked for an investigation, but, being near the end of the session, no appropriation was made. As the result of my first efforts, some of the conditions on the reservation were remedied and the income from the leases was increased from \$45,000 to \$150,000. Numerous pretended investigations have been made by officials of the Interior Department, all of which, in effect, whitewashed the conditions and protected the people engaged in looting the Indians.

The resolution which your committee is now considering is for the purpose of having an actual investigation by the Department of Justice.

ALLOTMENTS.

This is what I found: Allotments originally made, which had been for years enjoyed and upon which some cultivation had been made in each instance, and in many instances where the Indian owners had died and left heirs, were summarily and fraudulently canceled. The Indians were persuaded or driven from them if living, and if dead the allotments switched to their heirs on lands in a different locality, provided such heirs agreed in advance to sell to interested parties; but if the legal heirs were unwilling to sell, bogus heirs were substituted for the real ones.

Down on the Yellowstone there were some 300 or 400 Indians allotted. Under the act of 1882 these allotments were approved. In 1904 one John Rankin began allotting. The Indians were told that their allotments were not good, and he canceled many of them, although the Indians had been making these allotments their homes for years and had built irrigation ditches there. Some of these allotments were worth as much as \$25,000 each. The Interior Department canceled these Yellowstone allotments where the Indians had died. Mr. Rankin reallocated the dead Indian to very choice land west of the Big Horn when sure the new allotments would be sold. New family rolls were prepared in such a way that the purported heirs to this land were those who would agree to sell it. These allottees on the Yellowstone have been subjected to every form of intimidation conceivable. Some of them are still holding on. Some of the allotments have been canceled within the past two or three years without any shadow of authority for having done so.

Second, Indians who had been allotted to the land where the Huntley irrigation project is, and to the land that is now covered by the Two Leggings ditch, had their allotments arbitrarily canceled. They were given new allotments under their protest on the diminished reservation, anywhere the students could be put in, the best land having been taken up.

Third, Indians whose allotments were on the diminished reservation were tricked into relinquishing the old allotments in such a way that they seemed to have taken a new allotment in 1904.

Fourth, Indians who had held allotments were forcibly removed and taken to community farms, compelling them in effect to abandon their old allotments. After this was done the irrigated allotments were cut down arbitrarily and without any legislative act from 160 acres to 80 and 40 acres. This irrigated land did not come under any reclamation project, but the irrigation had been put in with the money of the Crow Indians, received in payment for land.

Fifth, The rolls also have been padded fraudulently by the insertion of many employees on the reservation, with their families. These were thereby given the right to deal in Indian lands and the right to buy Indian allotments without competition and in private. All this is strictly contrary to that provision of the criminal code of the United States forbidding officers of the Indian service or Interior Department officials from dealing in Indian or public lands. The rolls have been further falsified by dropping the names of many Crow Indians who heretofore had valuable allotments. The rolls are further deficient in the fact that many children born since 1899 have not been enrolled for allotment, though there remains in the neighborhood of 2,000,000 acres of surplus land.

TRIAL ROLLS.

The original rolls showing these allotment frauds have disappeared. The law says specifically that they shall be kept intact in Crow Agency and in Washington. To a proper investigating party I will show that this had not been done. When Commissioner Valentine was shown the discrepancy in the rolls he ordered the old rolls to be produced. After a diligent search the rolls were not found, and those whose duty it was to know about the rolls said they have been taken care of and they were not produced. At Crow Agency I found that the Crow land book, which is the old Crow rolls, had also disappeared. It could not be found. There are papers existent, some of which I have, that will demonstrate the falsity of the newly manufactured roll and the importance to the Interior Department of procuring certain attorneys to be attorneys for the Crow Indians and the desirability of the passage of certain legislation, approved by the Interior Department, designed to ratify and confirm the present roll and to destroy the rights of the Crow Indians to recover their allotments and other rights. These new rolls consist of three large books, which were placed in the hands of the Department of Justice by Commissioner Valentine's direction, to have them examined with a view of investigating and setting forth these frauds. It was with reference to the possession of these rolls that I was arrested last summer on the order of Assistant Secretary Adams.

GRAZING AND AGRICULTURAL LEASES.

There is in the neighborhood of 3,000,000 acres on Crow Reservation. The entire reservation is particularly fine grazing land. When Senator Teller was Secretary of the Interior, about 35 years ago, the surplus land on Crow Reservation, which then included the Yellowstone country, was leased for about \$45,000 a year to stockmen. In 1906, when I met the Indians at their Crow Indian lodge meeting, they complained very bitterly that the cattle and sheep men occupied the reservation to their exclusion, and were paying very little for the privilege, some of them nothing, and that what money they did pay the Indians never saw. In the hearing before this committee it was established that the leases were not given to the highest bidders. That was proven to be a fact when the leases were made the next time. One lease to Frank Henry was especially discussed. He was paying that year \$1,800 for his privileges. After Mr. Dalby's retirement as Indian inspector he appeared at the Indian Office as attorney for Frank Henry, and submitted a plan under which Henry voluntarily offered to pay \$48,000 for the land he formerly obtained for \$1,800. Higher bids then submitted, which the Indians wanted to accept, were refused in the Indian Office, all of which investigation will demonstrate. The lessors on Crow formed a ring of men who are acquiring the reservation, oppressing the Indians in every possible manner, and violating the law constantly. They are not checked by the officials at the agency, but the officials protect the lessors from the Indians and the Indians are thus left to their despoilers. The leases in almost every instance are let on the basis of per capita payment of live stock. There is no data at the agency to show how many head of stock are turned on under any lease or what are added.

The Indians complain that their own cattle and horses have been starved to death; that the lessors have branded their calves and colts, thus stealing them; that they have no protection against the cattle and the sheep of the lessors, which, as the Indians wrote me, were trampling them to death. These leases include the portion that was set aside for grazing the Indians' cattle, known as the I-D Range. Formerly this land had never been leased and the Indians bitterly opposed it, as they have no other place for their own stock. To force

the lease upon them, a business committee was appointed by the agent, a council was called; the agent wrote Commissioner Abbott he could not get consent from a general council; Chief Supervisor of Schools Holcomb was sent there to deal with this so-called business committee. The leases of this range had already been illegally approved by the Assistant Secretary of the Interior, Adams, the minutes of the council had been prepared in advance in Washington by Assistant Commissioner Abbott, Chief Supervisor Holcomb procured the signatures of the agent, the business council, and other necessary officers to these spurious council proceedings, and sent them all to Washington with his official sanction. The Crow Indians, being cattlemen, bitterly object to sheep on the reservation as they bring the loco weed and destroy the range. Nevertheless, large portions of the reservation was let to sheep and the sheep are permitted in portions of the reservation where there is no lease. The Indians' individual allotments are included in these grazing leases and they are prevented from acquiring possession of their own allotted lands which would be the only possible source of income they have. As a result the Indians are driven to eating the diseased beef which the lessors sell in violation of law at \$15 a head. This disease is known technically as lumpy jaw. So deadly to the cattle and so contagious is it that there is a statute forbidding its interstate transportation and directing that the animals affected shall be slaughtered and buried. Instead of this, these lumpy-jawed cattle are sold to the Indians on the reservation and also to the Indian Government school. I am confident that real investigation will show not only on Crow, but nearly every other Indian reservation where there are cattle, that what is called a form of tuberculosis is, in fact, lumpy jaw.

As to agricultural leases: There is a large amount of very valuable irrigated land. More than \$1,000,000 of Crow money was used putting in this system. When the allotments were fraudulently canceled much of this was taken from the Indians and termed surplus land. This land, under some alleged law, which I can not find, is being leased for agricultural purposes. Indians owning this irrigated land can not get the water from their own water systems and are compelled to lease. It is leased only to the ring for sums that are ridiculously small, in terms which permit the lessor to cut timber without building houses, to beyond that the Indians tell me they seldom see the price actually mine the coal on the land without any recompense to the Indians, and fixed for compensation; it disappears somewhere. On account of these conditions, young Indians returning from school have no land, and when they seek to lease lands belonging even to their own families they are prevented from doing so. Leases made by Indians to returning students are disapproved by the Interior Department. In this way the young educated Indian, both woman and man, who comes back from school has no possible means of support, and become the prey of the land and agency rings or returns to the blanket.

IRRIGATION.

On Crow there are two large rivers, the Big Horn and the Little Big Horn. There are also smaller streams—Soap Creek, Warm Springs, Lodge Grass, Pass Creek, and Pryor Creek. The land lying under these streams is mostly flat and can be irrigated easily without dams by mere diversion ditches. The Indians complain bitterly that private ditches are taken out by white men without authority. In particular, this is true of the Two Leggings ditch and the Pass Creek ditch. Prior to the year 1909 certain white men who had no authority to do so and could not obtain it properly took their chances and built a ditch 34 miles long, 50 feet wide, from the Big Horn River right across the allotted Indians' land, that would water the land through which it passed on the diminished reservation. This unlawful act was permitted by the Indian agent. It supplied also water to land taken by the act of 1904, in which, to the knowledge of some members of this committee, a forged power of attorney was used to procure the consent of Congress to the passage of the act. Those using the power of attorney now buy the land. The Indians whose land was crossed by this ditch have been asking relief from the oppression of these trespassers. Inspector Holcomb was sent to Crow Reservation and practically reported that the ditch did not cross the lands of certain complaining Indians. The facts show that his report was incorrect. The Indians also complained that these trespassers cut their large timber and had not built bridges over the ditch; that they had taken possession of their houses and of their lands and that the Indians could not get water to cultivate such portions of their land as might be left to them. These Indians are asking investigations and protection.

In the spring of 1912 these white trespassers were in Washington seeking the approval by the Interior Department of their trespassing ditch and other inequities on Crow Reservation. A concerted attempt was made to accomplish this purpose, which included personal attacks on myself from high sources, and in spite of my protests and the petition signed by every Indian under the ditch, the trespassers accomplished their purpose in the Interior Department. The ditch was approved and the order of the House of Representatives ordering an investigation and making appropriations therefor was nullified.

The Two Leggings ditch is in the western extremity of the reservation. In the eastern extremity is another ditch almost identical in character, put in by the Spear Bros. and others. This ditch takes the water from Pass Creek and crosses many Indian allotments. It can not be less than 20 miles in length and may be as much as 40. It waters lands that have been acquired from the Indians by the lessors in such a manner that the Indians claim they have been defrauded in different ways; one way, of which they complain most bitterly, is that the location of their allotments has been changed so that where they supposed their land lay on the bottom of a valley they find it is on a bench where no water can reach it. The land the Indians claim has passed to the lessors. Pass Creek is one of the principal tributaries of the Little Big Horn. Diverting the water through the Pass Creek ditch has so lowered the water of the Little Big Horn that the irrigation system of the Indians, depending upon this river, is deficient in water. Another thing is the expenditure of money for irrigation. The income from the grazing leases, which is tribal money, is about \$150,000 a year. Nearly all of this money is expended for irrigation. It will be readily seen from irrigation maps of Crow Reservation that the money is being expended to irrigate lands that belong to white men and not to Indians, including the land of very many of the employees of the reservation, whose land has been obtained in defiance of the criminal laws.

There is also the money from the sale of ceded land. This expenditure is specifically provided for by act of Congress. This act is disregarded.

I have now made an outline statement of a portion of the evils that are in existence to-day on Crow Reservation, protected and fostered by the Interior Department. This protection is given in different ways. But it amounts to this: That any Indian or white person who attempts

to interfere with such graft is subjected to any form of intimidation that may appear to be most effective in the instance. The intimidation is exercised in different ways. One has been by calling out soldiers and shooting the Indians or arresting them. Another is by sending inspectors who will carry out the desires of the grafters—such men as Mr. Dalby, Holcomb, and McLaughlin, who have been before this committee.

On an Indian reservation the agent has power of life and death over the Indian. If an Indian attempts to appeal above the agent, he must do it through the agent. If he succeed in attracting the attention of any one above the agent, it is customary to send to the reservation an inspector or supervisor. If the Indian makes any formal charges to the inspector or supervisor against the agent, he must do it in the presence of the agent, who has power of life and death not only over him but over his family, including even his little children, who are in Government schools, any of whom may be subjected to torture in various forms. When I reported to President Roosevelt in 1906 the conditions I found in the Crow Reservation Mr. Z. Louis Dalby was sent out to investigate them.

Dalby's report, which is on file in the Indian Office, admitted the truth of many of the charges I made, but whitewashed the grafters entirely. Dalby's report was accepted by the Interior Department as gospel, but the Senate, on learning of his conduct, refused to confirm his appointment as Indian inspector, except on condition that he resign. This Dalby did, and in less than three weeks after his resignation he blossomed out as attorney before the Interior Department for the very grafters he had been sent to investigate and whom he had whitewashed and which fought so valiantly for his confirmation. And he has ever since been the favored son of the Interior Department, and has been able to accomplish more as the attorney for the ring on the Crow Reservation than he would have been able to accomplish had he remained inspector, being apparently in entire control of the situation. When it was found that Mr. Dalby had been put in control of other Indian reservations in the same manner, charges setting forth the history of his conduct on Crow Reservation were filed with the Interior Department looking toward his disbarment from practice. Acting Secretary Adams himself peremptorily ordered that these charges be dismissed and that no investigation of them be had. Secretary Ballinger visited the reservation, and after looking into the situation ordered an investigation. Jack Munroe made the investigation and submitted a report, which was suppressed by the Interior Department. Chief Supervisor E. P. Holcomb was the next to investigate. He ignored very many of the charges of the Indians and eulogized and exonerated not only Agent Reynolds but the other officials on the reservation. Other inspectors and supervisors have been to Crow Reservation and have made reports, of which I have heard but none of which I have read. The Secretary of the Interior has stated that a report was recently made of these conditions by Inspector Norris, but that this report was confidential and that I could not have access to it. Concerning these pretended investigations, it need only be said that practically nothing has been done by the Interior Department to remedy the conditions that have existed for years on Crow Reservation.

Another form of protecting the evils on the reservation is through the use of attorneys who are willing to carry out the iniquity of the Indian Bureau. One firm of attorneys in Washington, also favorite sons of the Interior Department, procured a contract from a delegation of Crow Indians while these Indians were in a state of intoxication, by the terms of which contract this firm was to become the tribal attorneys for them and represent them in presenting large claims against the Government. The conduct of this firm of attorneys in this matter was called to the attention of the Acting Secretary of the Interior Department. Charges sworn to in part by a former United States Senator, and sworn to entirely by myself, were submitted to him, but he refused to investigate them or call witnesses. At the same time he was urging this same firm upon the Osage Indians as their tribal attorneys. One of the most potent instruments of fraud in the business committee and tribal council. It is the custom of the Interior Department to appoint these councils and delegations in such a manner that the interests of the grafters will be represented rather than the interests of the Indians. Another way is by the use of money or its equivalent. This includes the preparation by Government officials in Washington, in advance, of the minutes of councils intended to be held on the reservations.

Mr. DIXON. And, as I have said, the matter has already been investigated by three successive Secretaries of the Interior, by three Commissioners of the Indian Office, with all their force of inspectors, and also by the Indian Rights Association. I say to the Senator from Michigan that if there was anything wrong there which needed investigation, certainly the Indian Rights Association would have added their request that this investigation be made for the eighth time.

While the reservation happens to be in my State, it is 400 miles from where I live. I will not interpose any objection to and I shall not vote against the resolution, but I think the United States Senate is being made a cat's-paw for a self-exploiting individual.

Mr. PAYNTER. Mr. President, I should like to take just one moment, or a little less, on this question. I was on the Committee on Indian Affairs of this body during the first session I was here, and perhaps also the second. Mrs. Gray appeared before that committee; she testified and attempted to give that committee a great deal of information regarding the subject matter of the proposed investigation. I can not to-day recall the charges which Mrs. Gray made, because I have not given the subject any attention or thought since that time, and I know nothing about how the agency is now being conducted or what has occurred there, but I do know of facts, which, under the circumstances, I think I ought to tell the Senate, because it has been stated here that Secretary Garfield's department investigated the Crow Agency and the charges made by Mrs. Gray. Secretary Garfield sent there one of his Indian inspectors by the name of Dalby to investigate the charges Mrs.

Gray made. She had gone to the Department of the Interior, Mr. Garfield then being Secretary of the Interior, and did not get any assurance there that there would be any investigation, and she went to President Roosevelt, and as the result of that visit an investigation was ordered. When Mr. Dalby appeared on the Crow Reservation upon the first day that the investigation began he had Mrs. Gray arrested. He was there to investigate the charges which she had made. She was present to assist in the investigation. She was almost immediately arrested at the instance of Mr. Dalby, soon removed from the reservation, and incarcerated in jail, where she remained for some time. So she was not even permitted to make good, if she could, the charges she had made, and there was, as stated by the Senator from Michigan [Mr. TOWNSEND], great hostility shown her.

Now, if what has been done in the subsequent investigations by Secretary Ballinger and Secretary Fisher is of the same character as that conducted by Secretary Garfield, I say some investigation by some branch of this Government ought to be made, and made speedily.

There is another thing I want to say, Mr. President, and that is I opposed the confirmation of Mr. Dalby when he was re-appointed Indian inspector, because of his conduct, as stated by me. His nomination was held up for some time, and he would not have been confirmed, as I understood before it took place, if he had not given assurance to some Members of this body that he would resign as soon as his confirmation took place; and I was advised that immediately after his confirmation he did resign.

QUESTION OF PERSONAL PRIVILEGE.

Mr. ROOT. Mr. President, I ask the indulgence of the Senate while I make a statement in a matter of personal privilege.

On the 26th of October last there was published in the newspaper *El Cronista*, in Tegucigalpa, the capital of Honduras, a false and fabricated pretended speech alleged to have been made by me regarding the relations between the United States and Central and South America. I send to the desk a translation of this pretended speech, and will ask that it be printed in the RECORD as a part of my statement, without detaining the Senate by reading it in full.

[Translation of pretended speech falsely attributed to Senator Root.]

[*El Cronista*, Tegucigalpa, Oct. 26, 1912—No. 60.]

ELIHU ROOT BEFORE LATIN AMERICA.

The following paragraphs of a recent speech of Mr. Root, United States Senator, ex-Secretary of State, and one of the most eminent personages of the Yankee country, ought to be known in Central America.

As follows:

"Our position in the Western Hemisphere is unique and without example in modern history. This Nation is a greater and nobler Rome, placed by God to act as arbitrator, not only in the destinies of all America, but also in Europe and Asia, through its natural resources and industrial products which supply the world. The English and German Armies are fed with the meat which we send them. The supplies which Europe buys of us it could not obtain in any other world market if our exportation were suspended.

"Our manifest destiny as controller of the destinies of all America is a fact so inevitable and logical that only the means which we should employ in order to arrive at this end are left to be discussed; but no one doubts our mission and our intention to fulfill it, or, what is more significant, of our power to accomplish it.

"In the second half of the twentieth century they who study the map will be very surprised that we should have 'waited so long' to round out the natural frontiers of our territory to the Panama Canal, and on the other side, to the Southern Continent, and that in the same manner (haya pasado con las Antillas todas, como en el viejo mundo, de no haberse encontrado el nuevo) the same should have happened to all the Antilles as happened in the Old World—that is, not to have discovered the New World, with the difference that we have no need of Columbus, but rather of a simple joint resolution of our Congress.

"It is a question of time when Mexico, Central America, and the islands which we still lack in the Caribbean Sea shall fall beneath our flag. When the Panama Canal is open it would be as insufficient to place a sentinel only in Porto Rico, without doing the same in Cuba, as if a man tied one arm in order to row, or a lady to put in one earring to adorn herself for a feast.

"Not long ago the Porto Rican delegates, headed by the representative of that island, who has a seat in our Congress, but does not vote, visited me. In order that I, as president of the committee on Latin America affairs, should inform them what policy we proposed to follow in Porto Rico, and I expressed myself more or less as follows:

"I told them that I have been, and always shall be, opposed to granting North American citizenship to the Porto Ricans, as well as to other Latin Americans who, for inevitable reasons, pass under our control. I believe that it would be prejudicial for both parties.

"As this desired citizenship from the outset would have to be understood in autonomous form, once granted greater discontent would not be long in following, maintaining that as citizens they are not equal to those of the Union.

"The granting of citizenship implies many other things and is clothed with uncertainty; and in any case it is too much to ask that we compromise ourselves for the Antilles with their handful of millions of inhabitants whose race, civilization, aspirations, and customs are not only distinct, but even antagonistic to ours.

"I told them that they were, after all, Latins, and as such, although the inheritors of glorious historic and artistic traditions and possessed of great domestic virtue and instruction, above all in abstract sciences, and a disposition for the arts, as Latins, I repeat, they understood

citizenship and other fundamental principles in a different way to the Saxons; and as these principles are judged by results, we are right and they are wrong. With the Latin Americans there does not exist, nor can we have anything in common, if we accept the good will which we mutually profess, but great as are these good wishes, they do not suffice to fill the gulf which separates us.

"The United States augments in population, riches, and importance daily, and we can with difficulty take care of our own affairs, but being the case, why complicate our task with new lodgers in the house, as the Latin Americans converted into citizens of our great Nation can not help but be?"

"I understand and confess that we are governing badly in Porto Rico, as we governed badly in Cuba the second time. But though we may do it badly we shall always do it better than the natives. In the Philippines, where our rule has been more strict, the results have been admirable. And the Porto Ricans, Cubans, and Filipinos should be convinced of the fact that, since our experience with the annexation of Hawaii, we will not repeat the expedient of citizenship.

"If it were possible for these Latin America nationalities to understand 'self-control' and 'self-government,' as is the case with our northern neighbors, then Pan Americanism would be a beautiful reality, without necessitating our learning to command in Spanish; but can they or do they know how to govern themselves? Let Haiti say; let Mexico say; let Colombia, Panama, Nicaragua, and, above all, Cuba, twice instructed by us, watched diplomatically since and whose present economical disorganization is as disastrous as in the colonial epochs, say. In the hands of these people is their fate; but I doubt whether it will be good, unless it is beneath our protectorate.

"Did not the North American Government find itself on the eve of change to replace the present administration or to confirm it in power, no one would deny that in these hours we would have already solved the Mexican and Central American complication and given special attention to the economical affairs of the Great Antilla (Cuba). And whoever speaks of national finances, speaks of all the Government and national system. Fortunately, and soon, we shall reach a tragical position, since 'alea jacta est,' and whoever of the three candidates occupies the White House, as they are of one opinion regarding foreign policy and, above all, expansion in America, the country can trust in the Congress, which with hands free will know how to second the Chief of State, as in 1812, 1845, 1861, and 1898."

This pretended speech contains most arrogant and offensive statements as to the relations which do and should exist between the United States and the Latin-American countries of these continents. I have denied over my own signature the authenticity of this speech, and my denial has been published in Tegucigalpa. I should let the matter rest there were it not that this pretended speech is being published all over Central and South America, and that some years ago, while Secretary of State, I made a visit to South America and represented the United States in many expressions of friendship toward the people of the Latin-American countries. Owing to this and to the fact that I am still connected with the Government of the United States, these expressions in this pretended speech are being treated by the people of Latin America as indicating either a change in the attitude of the people of the United States or insincerity in the former expressions of friendship.

I send to the desk and ask to have the Secretary read one illustration of the way in which this paper is being used. It is an extract from an editorial published in the newspaper *El Fonografo*, of Maracaibo, Venezuela, on the 28th day of November, 1912.

The PRESIDENT pro tempore. It will be read as desired.

The Secretary read as follows:

[*El Fonografo*, Maracaibo, Venezuela, November 28, 1912.]

Senator ELIHU ROOT, who before the whole Spanish America protested, when he was Secretary of State, that the United States did not desire even 1 inch more of territory than that which it already possessed and that the sovereignty of our different States would be respected, and who praised us for our ability and aptness for self-government, by one stroke of the pen has blotted out those statements and other still stronger ones which he made in regard to the autonomy and independence of Spanish America. In his last speech he says: "All America down to Panama, including the islands of the Caribbean Sea, must be under our flag. We need Cuba, Mexico, and Central America as a man needs his two arms and a woman her two earrings."

In view of this flagrant contradiction, will there be anyone amongst us who will have a particle of faith in the friendly protests of the United States?

We must not entertain any illusions. It is evident that the United States not only do not intend to endeavor to prevent Europe from taking possession of Latin America, but they themselves pretend to become the arbiters of our political and commercial destinies.

Mr. ROOT. Because of the use which is being made of this publication by the enemies of the United States, by the men who wish to stir up strife and create ill feeling between the Latin-American countries and the United States, I wish to repeat here in the most formal and public manner, and to make a public record of the denials which I have already made as to the authenticity of this pretended speech.

The alleged expressions which are thus imputed to me are impudent forgeries. I never made any such speech. I never said any such things or wrote any such things. The expressions contained in these spurious and pretended extracts are inconsistent with my opinions and abhorrent to my feelings. They are the exact opposite of the views which I have expressed on hundreds of occasions during many years, both publicly and privately, officially and personally, and which I now hold and maintain. I will add, Mr. President, that they are incon-

sistent with the views and the feelings of the great body of the American people.

ATCHISON, TOPEKA & SANTA FE RAILWAY.

Mr. JONES. From the Committee on Military Affairs I report favorably, with amendments, the bill (S. 7415) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes, and I submit a report (No. 1119) thereon. I call the attention of the Senator from New Mexico [Mr. CATRON] to the bill.

Mr. CATRON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, on page 1, line 5, after the word "hereby," to strike out "empowered" and insert "granted a revocable license," and on page 2, line 22, after the word "taken," to insert:

Provided further, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation by the said Atchison, Topeka & Santa Fe Railway Co. upon paying just compensation; and, if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further*, That before this act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War.

On page 2, line 29, after the word "Kansas," to insert "and other parties obtaining license from the Secretary of War as hereinbefore provided," and to insert new sections, 3 and 4, so as to make the bill read:

Be it enacted, etc., That the Atchison, Topeka & Santa Fe Railway Co., of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, granted a revocable license to survey, locate, construct, and maintain a railway, telegraph, and telephone line into and upon Fort Wingate Military Reservation, N. Mex., to connect with its present right of way, as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fall.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 200 feet in width through said Fort Wingate Reservation, with the right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill, excepting, however, from said right of way hereby granted that strip or portion thereof which would be included within the limits of the present 200-foot right of way heretofore granted to said Atchison, Topeka & Santa Fe Railway Co. and used by it as its main line right of way: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used such portion shall revert to the United States, from which the same shall be taken: *Provided further*, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation by the said Atchison, Topeka & Santa Fe Railway Co. upon paying just compensation; and, if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further*, That before this act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War: *Provided further*, That the said Atchison, Topeka & Santa Fe Railway Co., of Kansas, and other parties obtaining license from the Secretary of War as hereinbefore provided, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

SEC. 3. That the powers herein granted are limited to a period of 50 years unless sooner altered, amended, or repealed by Congress.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes."

QUAGMIRE LANDS IN NEVADA.

Mr. NEWLANDS. I am directed by the Committee on Public Lands, to which was referred the bill (S. 4994) to authorize the inclosure of certain lands in the State of Nevada containing dangerous quagmires, to report it without amendment, and I submit a report (No. 1111) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of the bill just reported.

Mr. WARREN. I do not want to—

Mr. CLARK of Wyoming. There is no objection to the present consideration of the bill, but I think it will evoke some considerable discussion.

Mr. WARREN. I rise to say that, while I do not object to this particular bill, I feel I ought, in justice to appropriation bills, to object to a bill that will consume any time in debate; and if this bill will probably consume time in debate, I should feel that I had to object.

Mr. NEWLANDS. I supposed, Mr. President, there would be no objection to this bill, which is reported from the Committee on Public Lands, and I ask the Senator from Wyoming whether he intends to discuss it?

Mr. WARREN. I have no intention of discussing the bill, but two or three Senators about me have said that it would lead to discussion, and that they wanted to discuss it.

Mr. CULLOM. Let it go over.

Mr. NEWLANDS. I ask the Senator from Wyoming whether he will not permit the present consideration of this bill?

Mr. CLARK of Wyoming. I do not object to the present consideration of this bill. I will say to the Senator from Nevada that, on the contrary, I am quite willing that it should be considered at this time, but I think it is quite evident that it will evoke some discussion in the Senate before it is finally voted upon. I certainly have some few suggestions that I should like to present upon the bill, and I think there are other Senators who have.

Mr. CRAWFORD. Mr. President—

The PRESIDENT pro tempore. The question is on the request for unanimous consent for the present consideration of the bill, which is not debatable except by unanimous consent.

Mr. CRAWFORD. I desire to object. If I am not allowed to say anything further, I simply object.

The PRESIDENT pro tempore. The Chair does not endeavor to control the Senator in that regard. The Senator from South Dakota objects and the bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN of Virginia:

A bill (S. 8141) for the relief of S. W. Niemeyer; to the Committee on Claims.

(By request.) A bill (S. 8142) to acquire certain land between Peabody and Underwood Streets, east of Georgia Avenue,

for a public park; to the Committee on the District of Columbia.

By Mr. CULLOM:

A bill (S. 8143) for the relief of Edward N. McCarty; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 8144) granting an increase of pension to William L. Sheaff;

A bill (S. 8145) granting an increase of pension to Joseph Cassidy;

A bill (S. 8146) granting an increase of pension to John Emanuel Smith (with accompanying papers); and

A bill (S. 8147) granting an increase of pension to Allen H. De Groff; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 8148) granting an increase of pension to Lottie E. Limont; and

A bill (S. 8149) granting a pension to Catherine Soper (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 8150) providing for an extension of the limits of time provided by sections 1 and 2 of the act of March 3, 1911, entitled "An act providing for the validation of certain homestead entries"; to the Committee on Public Lands.

A bill (S. 8151) to provide for the acquiring of additional ground for the site of the public building at Lewiston, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. GRONNA:

A bill (S. 8152) providing for second homestead and desert-land entries; to the Committee on Public Lands.

By Mr. SANDERS:

A bill (S. 8153) to create in the War Department and the Navy Department, respectively, a roll designated as "The Civil War Volunteer Officers' Retired List," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the

Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. NEWLANDS:

A bill (S. 8154) for the relief of Peter Magsam, alias Peter Moxom, alias Peter Groh; to the Committee on Military Affairs.

By Mr. KERN:

A bill (S. 8155) granting an increase of pension to Thomas Jared (with accompanying papers); and

A bill (S. 8156) granting a pension to Omar E. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 8157) granting an increase of pension to Louis C. Emmett (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 8158) granting an increase of pension to Christian Bowman (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 8159) granting an increase of pension to Stephen Collar (with accompanying papers); and

A bill (S. 8160) granting an increase of pension to Baxter Johnson (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment proposing to appropriate \$100,000 for the purchase of stock, seeds, implements, and such other articles as may be necessary to enable the Indians residing and having tribal rights on the Uintah and Ouray Reservations, Utah, to become established in a self-supporting industry on their allotments of land, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate \$10,000 and \$7,483.01, respectively, to credit in the accounts of Pay Directors Lawrence G. Boggs and S. R. Colhoun, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate \$5,000 and interest thereon at the rate of 5 per cent per annum from October 30, 1843, to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury standing to the credit of the Cherokee Nation of Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—JESSE J. LAMKIN.

On motion of Mr. CHAMBERLAIN, it was

Ordered, That the papers in the case of Jesse J. Lamkin, late of Troop H, First Regiment United States Cavalry, be withdrawn from the files of the Senate, there being no adverse report on the same.

CHOCTAW AND CHICKASAW INDIANS (S. DOC. NO. 1010).

Mr. OWEN. I present a paper in the nature of a memorial from the Choctaw and Chickasaw Indians with reference to their leased district. I ask that the memorial, with illustrations, be printed as a Senate document and referred to the Committee on Indian Affairs to accompany the bill (S. 8140) to authorize the Choctaw and Chickasaw Indians to bring suit in the Court of Claims, and for other purposes, introduced by me on yesterday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. OWEN. I submit a resolution and ask that it be read.

The resolution (S. Res. 433) was read, as follows:

Resolved, That the Committee on Privileges and Elections is directed to report on Senate bill 8118 by February 3.

Mr. OWEN. Mr. President, the bill referred to, Senate bill 8118, is a bill providing—

The PRESIDENT pro tempore. Does the Senator from Oklahoma ask for the present consideration of the resolution?

Mr. OWEN. I ask for its present consideration and I wish briefly to explain it.

The PRESIDENT pro tempore. The Senator from Oklahoma asks for the present consideration of the resolution which has just been read.

Mr. LODGE. The chairman of the committee is absent. I think the resolution had better go over until he is here as it proposes instructions to his committee.

The PRESIDENT pro tempore. Under the rule, on an objection, the resolution will go over until to-morrow.

Mr. OWEN. I shall not be able to be present again for some days, and I desire to call the attention of the Senate to it.

The PRESIDENT pro tempore. The Senator will proceed, by the consent of the Senate, to make such remarks as he may wish.

Mr. OWEN. The bill provides for making effective the law relating to the publicity of campaign contributions. There is no adequate method now by which it can be required. The bill provides that the circuit or district court, upon a proper showing, may require the publicity fixed by law to be made. It also provides means for an inquiry into the question of the campaign contributions. I think it is a bill which ought to be reported on, so as to make complete the law which we have passed. The committee will have three meetings between now and the date which I suggest should be fixed for the report. I hope that the matter may be acted on, whether I shall be present or not.

The PRESIDENT pro tempore. The resolution goes over on objection.

COL. RICHARD H. WILSON.

Mr. MYERS. I ask unanimous consent for the immediate consideration of the bill (S. 7515) for the relief of Col. Richard H. Wilson, Fourteenth Infantry United States Army.

Mr. SMOOT. That bill will lead to some discussion I think, will it not?

Mr. MYERS. I do not think so. It is a bill that I tried to get up the other day, and a couple of Senators who objected at that time have withdrawn their objection. I do not think there will be any discussion or objection to it. I may take two or three minutes to explain it, but I do not think it will lead to any discussion.

Mr. SMOOT. Let it be read first. I really do not remember the bill.

The PRESIDENT pro tempore. The bill will be read.

The SECRETARY. The Committee on Military Affairs report as an amendment to strike out all after the enacting clause and to insert:

That Col. Richard H. Wilson, Fourteenth Infantry United States Army, be, and he is hereby, exonerated from all responsibility for the loss of the sum of \$7,181.64 at Fort William Henry Harrison, Mont., on or about May 16 to 20, 1912. And the accounting officers of the Treasury are hereby authorized and directed to credit in the accounts of Capt. Charles W. Castle, paymaster, the sum of \$7,181.64.

Mr. WARREN. Mr. President, as I said a few moments ago, I shall feel constrained to object if the bill is to lead to an extensive debate. The bill is a most just one. The subject I know all about, and I should be glad to see it passed. So I shall not object if the bill does not lead to an extensive debate.

Mr. CRAWFORD. Mr. President, I am unable to find the report on this bill. It seems to me that we ought not to be asked to vote upon a measure under a unanimous consent where we can find out nothing to guide us in the report of the committee. The report of the committee certainly ought to be on file before we are asked to vote on these measures.

The PRESIDENT pro tempore. The Chair is informed that the report is on the desk.

Mr. CRAWFORD. It is not on our desks here.

Mr. MYERS. I should like to say to the Senator from South Dakota that I called up this bill about a week ago, and objection was made because the report had not been printed. It was printed a week ago and is on the desks of all Senators.

Mr. DU PONT. Mr. President, I merely wish to say that the full report submitted by the Committee on Military Affairs shows all the facts in the case. The bill was unanimously approved by the Military Committee, and is a most meritorious one, and it ought to pass unanimously.

Mr. DIXON. I should like to say to the Senator from South Dakota that Col. Wilson's pay is now being held up at the War Department on account of money sent to pay the troops being stolen from the paymaster. He was technically in charge. I never saw him. It happened at Fort Harrison. I think it is probably as crucial a little bill as has been reported here. I hope there will be no objection to it.

Mr. CRAWFORD. I withdraw my objection. I had not been able to find the report.

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to take up the legislative, executive, and judicial appropriation bill, being House bill 26680.

There being no objection, the Senate resumed the consideration of the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The PRESIDENT pro tempore. The present occupant of the chair was not in the chair when the Senate adjourned. The Chair is informed that the question is upon the amendment proposed in the Senate, which was pending at the time of adjournment, and upon which the yeas and nays had been ordered.

Mr. CUMMINS. I think the pending question is upon the point of order.

Mr. LODGE. And it was submitted by the Chair to the Senate.

Mr. CUMMINS. It was made by myself and submitted by the Chair to a vote of the Senate.

The PRESIDENT pro tempore. The pending question was on the point of order?

Mr. LODGE. Yes.

Mr. WARREN. And upon the vote the yeas and nays were called, and a want of a quorum was developed. I wish the Senator from Iowa could see his way clear to recall his point of order. In my own opinion a point of order hardly lies against the matter in any way, because the employees of the House and Senate are at the will of those Houses and there is no regular estimate expected and none had. Such matters are usually settled between the House and the Senate. This only requires it to go to conference.

Mr. CUMMINS. If there were any way in which the submission to the Senate could be avoided I would be very glad to have the Chair rule upon the point of order, so that it could be speedily disposed of.

Mr. LODGE. The Senator from Iowa can withdraw the point of order.

The PRESIDENT pro tempore. What is the suggestion of the Senator from Iowa?

Mr. CUMMINS. I said if there were any way in which the submission to the Senate could be avoided I would be very glad if the Chair in the regular way would decide the point of order.

Mr. LODGE. The point of order has been submitted to the Senate and a roll call has been had upon it. I do not see how the Chair can now rule upon it.

The PRESIDENT pro tempore. The Chair can not.

Mr. CUMMINS. I do not see that the Chair can.

The PRESIDENT pro tempore. Except by unanimous consent.

Mr. CUMMINS. I said I would be perfectly willing to take that course in order to avoid the consumption of time.

The PRESIDENT pro tempore. The Chair, unless there is a request for unanimous consent on that line, will direct the roll to be called.

Mr. LODGE. Mr. President, I am not sure, an ineffective roll call having been had, whether it is possible to make any further statement in regard to it, because we must call the roll on that question. Whether it is still open to debate, one roll call having been had, I confess for the moment I do not know.

The PRESIDENT pro tempore. The Chair thinks the Senate having adjourned for the lack of a quorum, the matter is before the Senate de novo.

Mr. BRISTOW. Mr. President—

Mr. LODGE. The roll call, of course, has been ordered. That can not be undone.

The PRESIDENT pro tempore. No.

Mr. LODGE. Then, I should like to say one word about it, if it is open.

The PRESIDENT pro tempore. The Senator from Massachusetts will proceed.

Mr. LODGE. A point of order was made on the amendment proposed by the Senator from Virginia [Mr. MARTIN]. I am not going to discuss the merits of the amendment. I am very clear as to what the Senate ought to do, and I said so last night. I am going to confine myself simply to the point of order. The point of order, if these are expenses estimated for, of course, is a good one. The chairman of the Committee on Appropriations suggests that these payments of employees are not estimated for in the ordinary way and that a point of order would not lie.

What I desired to call attention to was this: There seemed to be a misapprehension in regard to the question of submission. The Chair, under our rules, is required to submit a point of order to the effect that an amendment is not germane. He has permission to submit any other question of order. It has been the practice of the occupants of the chair to comparatively rarely submit questions of order, and I think it ought to be done very seldom, indeed; but the purpose of that power of submission is to relieve the Chair from the necessity of breaking a rule in a case where an emergency exists, so that the

Senate, if it chooses, may suspend the rule for that particular item. It has been done here repeatedly—not often, but repeatedly. The famous Platt amendment, on which all our relations with Cuba depend, had to be passed at a certain time. It unquestionably was out of order; it was put on an appropriation bill, but it had to go on an appropriation bill in order to become a law. The point of order would certainly have thrown it out; it was general legislation beyond any question, but I do not remember whether the point of order was raised. I merely mean that if it had been raised it would have been a case for this action, which I have seen taken more than once in the Senate, to give the Senate an opportunity in a particular case to suspend the operation of one of its rules against amendments.

Mr. President, though that is, I am aware, a very large discretion and one to be very sparingly exercised, it is absolutely necessary that somewhere in the procedure of the two Houses there should be some point where there should be a little discretion, a little elasticity, in a case that might arise of the necessity of an amendment to an appropriation bill.

My own impression, I will say frankly, last night was that the amendment was clearly out of order. If I had been in the chair, I would have so ruled. The point which the Senator from Wyoming has just made had not occurred to me. If I had been compelled to rule, I should have so ruled; but the Chair, under the authority given him by the rules for that particular purpose, submitted that question to the Senate, and I voted in the affirmative—that is, I voted that it should be submitted—not that I thought it was in order, but because I felt very decidedly that it was an instance in which that rule ought to be suspended by the action of the Senate in order to admit the amendment—a very trifling amendment in itself, but one which in its nature involves the relations between the two Houses. That the relations between the two Houses should be good always is essential to the orderly conduct of Government business. Last night in the debate there was an illustration of the importance of it. We all know that it is the practice of the Senate not to refer to what has occurred in the other House. That is inherited from the English practice. We do not discuss what is said in the other House; so far as possible we avoid reference to their actions; we never refer to a Member of the other House by name or personally. That is a rule that is always strictly observed and it is absolutely necessary; yet last night, in the discussion which arose, we began to discuss here the authority of the chairman of the Judiciary Committee of the House, and of the chairman of the Appropriations Committee of the House, to make the request here. I only mention that to show to what sort of thing this would lead. We must not discuss their arrangements or the conduct of their own affairs in their own House, and they must not discuss ours, because, if we should do so, in a very short time there would grow up a fashion of recrimination between the two Houses which would lead to ill feeling, to the arrest of legislation, and to the greatest possible trouble.

That is the reason why I thought this trifling amendment, raising the pay of a House employee \$500, or whatever it was, involved a matter of great importance, of such great importance that it seemed to me necessary to submit it to the Senate, and I thought the presiding officer was correct in submitting it to the Senate in view of its importance, and of such great importance that I thought it my duty to vote to sustain the rule. I did not undertake to vote that the amendment was in order, for I thought at the time it was distinctly out of order, and, as I have stated, I should have so ruled had I been in the chair; but I did think it was an occasion which justified the suspension of the rule in that manner, as I have seen it done more than once, as I have already said.

Mr. President, just a word in conclusion. I have said that much in explanation of my attitude and why I voted as I did, as I have known other Senators to vote in the past; but the point which the Senator from Wyoming has made did not occur to me—that this amendment referring to the salary of an employee to one of the Houses is not obnoxious to the rule and is not subject to the point of order.

Mr. BRISTOW. Let me inquire if those expenditures are not contained in the Book of Estimates the same as expenditures in the departments?

Mr. LODGE. They are transmitted, but the lists are made up here in the offices of the Senate and in those of the House; not a figure is changed, not a suggestion is offered, and no estimate—

Mr. BRISTOW. But they are contained in the Book of Estimates.

Mr. LODGE. Certainly, they are contained in the Book of Estimates.

Mr. BRISTOW. The same as all other department expenditures.

Mr. LODGE. As a memorandum only.

Mr. BRISTOW. Just as this Book of Estimates is made for the various departments and the various bureaus and for Congress.

Mr. LODGE. No; it is not.

Mr. BRISTOW. Of course, the information comes from the Secretary of the Senate and the Clerk of the House, the same as from the Cabinet officers for the various departments.

Mr. LODGE. The estimates proper come from the Cabinet officers. These estimates do not come from them. They really are not estimates, but are simply transmitted here to show what stands on the books as the current law.

Mr. BRISTOW. The estimates of the expenditures that come under the jurisdiction of a Cabinet officer are made by the Cabinet officer; the estimates that come under the Senate are made by the officers of the Senate and furnished to the Secretary of the Treasury.

Mr. LODGE. They have no authority to estimate for us; not the slightest.

Mr. BRISTOW. Well, but the Secretary of the Treasury is required to estimate for the expenses of the Government, and he does it under the law.

Mr. LODGE. Why, Mr. President, the Senator forgets our rule, "or proposed in pursuance of an estimate of the head of some one of the departments." There is no estimate from the head of a department about our expenditures. Would any Senator suggest for a moment that the Secretary of the Treasury or any other head of a department is to estimate what the contingent fund of the Senate or of the House should be or what they shall pay their clerks? Of course, Mr. President, these estimates are simply submitted for information. The mere inclusion of the figures in the Book of Estimates does not make an estimate. The rule says "an estimate of the head of some one of the departments." No head of a department estimates for the expenses of the Senate.

Mr. CUMMINS. Mr. President, I do not care whether the salary of the clerk of the Judiciary Committee of the House of Representatives is \$2,500 or \$3,000. If he earns \$3,000, he ought to have it; but I do not want anybody to assume that I make the point of order because I have any disposition to interfere with the House in fixing the salaries of its own employees. It is to preserve that very rule that I have made the point of order. The House has fixed in this bill the salaries of its employees, and we have not interfered with their work, nor do we propose to do so.

The thing which it seems to me is wrong, and which may lead to great trouble in the future, is that certain suggestions made by certain Members of the House are offered here and submitted, and we are asked to accept their suggestions as the equivalent of an act of the House. It is not difficult to see that if we recognize that procedure we may in the end entirely lose the benefit of the rule of courtesy and comity to which reference has been made.

The Senator from Massachusetts [Mr. LODGE] spoke so emphatically, and so wisely, too, upon the rule which forbids a reference here to the individual Members of the House that it seems to me he condemned in the strongest possible way the introduction of a communication to the Senate from either the chairman of the Judiciary Committee or the chairman of the Appropriations Committee of the House. We must take the work of the House as it comes to us through the regular channels. I think that rule ought to be inviolably preserved.

Now, I want the Senate to know that I have no objection, of course, to the submission of the point of order to the Senate. The Presiding Officer was quite within his rights, and I think probably quite within a fair exercise of the discretion that officer has, in submitting to the Senate the interpretation of the rule. I am not complaining about that; but when the Senator from Massachusetts says that because these amounts are not estimated for by the head of a department therefore they are not within the rule which I invoke, I think he is obviously mistaken. The rule provides that—

no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless—

And then the rule proceeds to point out certain exceptions. If this increase is not within one of those exceptions, it is forbidden by the rule, and no one claims that it is within any of the exceptions.

I am inclined to differ from the Senator from Kansas [Mr. BRISTOW] with regard to the words "head of a department." I am inclined to think that does not apply to estimates submitted by the officers of the House of Representatives or of the

Senate; but that makes no difference whatsoever. Unless you find some exception here which will take the case out of the general rule announced in the words which I have read, then it is plainly forbidden by the rule.

It seems to me, of course, that this is not a very material matter. We have many other appropriation bills, and if the House wants to put this provision in any other appropriation bill it can do so, and if it wants to pass an independent measure of that kind it can do so. I think the great importance of the matter lies in preserving the integrity of the rules of the Senate, for if we fall into the habit of disregarding them then we become rather chaotic in our procedure, it seems to me.

Mr. SHIVELY. Mr. President, having occupied the chair on yesterday when this amendment was offered, I choose now to submit an observation or two in reference to the situation and proceeding attending its consideration. As the RECORD discloses, after some explanatory discussion of the amendment the point was made by the senior Senator from Iowa [Mr. CUMMINS] that the amendment was not in order under the rules on the pending appropriation bill. It is only frankness to state that on the question being raised the then occupant of the chair had no doubt whatever as to the status of the amendment under either clause 1 or clause 3 of Rule XVI. But in the preliminary discussion it had developed that a somewhat delicate question of amity, or comity, or courtesy, or whatever you may see fit to call it, as between the two Houses was involved. Under the peculiar circumstances of the case the then occupant of the chair felt constrained in deference to the Senate to exercise the discretion lodged in the Chair under the rules and submit the question of order to the judgment of the Senate. The question could have been so framed as to simply submit the interrogatory whether the question on the amendment should be put to the Senate, but this would have been a palpable evasion of the question of order under the rule.

Mr. LODGE. Mr. President, if I may say one word more, this amendment, if not in order, could be so held only under two provisions. It is not general legislation. It is not a private claim. It must be out of order, because it is not "moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments." Last night, if I had been in the chair and had been called upon to rule, I should have ruled that it was not estimated for.

Mr. CUMMINS. Rule XVI, paragraph 1, provides:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation—

How does the Senator from Massachusetts—

Mr. LODGE. It also says "unless"—

Mr. CUMMINS. How does the Senator from Massachusetts escape that prohibition?

Mr. LODGE. It may come under the "unless" clause.

Mr. CUMMINS. Read the exception.

Mr. LODGE. Of course, it is not to carry out any provision of existing law or treaty stipulation—

Mr. CUMMINS. That does not cover it.

Mr. LODGE. That does not cover it. I was about to say I should have ruled it out on the ground that it was not estimated for, and, therefore, did not fulfill that condition; but I think after the suggestion made by the Senator from Wyoming that that does not apply.

Mr. CUMMINS. But the—

Mr. LODGE. One moment. I am discussing the various suggestions. Last night I certainly should not have ruled it out, if I had to rule on it, on the ground that it was not proposed by a committee, because I should have held that an amendment accepted by the committee became a committee amendment and the work of the committee. It never would have occurred to me to rule it defective on that ground.

Mr. WARREN. It was offered by a member of the committee as a committee amendment.

Mr. LODGE. That is what takes it out of the rule.

Mr. CUMMINS. I did not understand that it was offered as a committee amendment.

Mr. LODGE. It was offered by a member of the committee and was accepted by the chairman, as I supposed, acting for the committee, and no member of the committee objected. That, I considered, made it a committee amendment. But the trouble I had last night was that I thought it was not estimated for.

Mr. CUMMINS. I does not need to be estimated for.

Mr. LODGE. The chairman has now made it clear that appropriations for the payment of our own employees or those of the House do not require to be estimated for; that we can fix them ourselves. I ought to have thought of that, but I did not. It is undoubtedly true.

Mr. CUMMINS. I do not want to be misunderstood. I supposed, as a general proposition, that no Member of the Senate could offer an amendment increasing an appropriation contained in the bill, or to add a new item, unless it is to carry out existing law, or unless it has been approved by a standing committee.

Mr. LODGE. I think this fulfills that provision—

Mr. CUMMINS. Or unless it has been estimated for.

Mr. LODGE. It does not need to be estimated for, and the amendment has been proposed by a standing committee.

Mr. CUMMINS. No; it does not have to be estimated for if it is moved by a standing committee, or if it is to carry out existing law; but this amendment is neither to carry out existing law nor moved by a standing committee—

Mr. LODGE. That is where I differ with the Senator.

Mr. CUMMINS. Nor estimated for. Now, if it is put this morning in the form of being offered or moved by the Appropriations Committee, then, of course, my point of order disappears at once.

Mr. SMITH of Georgia. Mr. President, I voted yesterday afternoon in accordance with my opinion that the proposed increase was out of order. I did not understand that the Committee on Appropriations was the father of this amendment or presented it. Of course, as the Senator from Iowa says, if the Committee on Appropriations takes the responsibility for it now, it is not subject to the point of order and it is clearly within the power of the Senate to act upon it.

Mr. LODGE. As I said, I supposed last night that it was offered by a member of the committee and that it was offered as a committee amendment. I have been informed that since then the committee has been formally polled and that a majority of the committee favor the amendment. It will let us out of the trouble we are in if the Senator from Iowa will withdraw his point of order and allow the amendment to be reoffered in the name of the committee.

Mr. CUMMINS. With the understanding that it is to take that form, and that the amendment is to be withdrawn as an individual amendment, I withdraw the point of order. I do not care to insist upon a vote on an immaterial question.

Mr. LODGE. Then if the Senator from Virginia will withdraw it as an individual amendment, all the subsequent proceedings fall, and he can reoffer it as a committee amendment.

Mr. MARTIN of Virginia. Mr. President, it is true I am a member of the committee, but I offered the amendment as an individual Senator. But I withdraw it, and it will now be presented as a committee amendment, the committee having in the meantime taken action in regard to it. If the chairman of the committee will indicate that he will make that motion, I will withdraw the amendment.

The PRESIDENT pro tempore. It will be necessary, first, in order that the parliamentary situation may be directly kept in view, that the Senate get rid of the order already passed for taking the vote by yeas and nays. That can be done by unanimous consent.

Mr. WARREN. I wish to say that even last night I would have asked to put the matter in the way now proposed except for the parliamentary situation. The true situation is this: The amendment was practically offered by the committee; it was considered by the committee in the method we have always followed and agreed to, provided we should later receive the written request of the chairman of the Committee on Appropriations. We received later the request in writing of the chairman of the committee on the other side of the Capitol that the committee report it. That came in at a later hour and was handed to the Senator from Virginia [Mr. MARTIN], who offered the amendment, not observing, probably, that one of the letters was addressed to the committee and the other to the chairman. It would have been perfectly competent for me to have offered it as a committee amendment because it was, in fact, such.

As to the parliamentary situation, I leave that to the Chair.

Mr. CUMMINS. I do not want to be put in a false position. The Senator from Wyoming is in error. If he will turn to the Record of the Senate he will see that the amendment was not offered on behalf of the committee, neither by the chairman nor by any other member of it. It was offered by the Senator from Virginia in his individual right.

Mr. WARREN. Oh, well, Mr. President, you might as well say that I offer in my individual right any amendment agreed upon by the committee. The Senator from Virginia is a member of the committee.

Mr. CUMMINS. Then may I ask the Senator from Wyoming what does the rule mean when it says "moved by a standing committee"? Who acts for the committee?

Mr. WARREN. The Senator can make his own construction of that; but amendments are offered by various members of the

committee; sometimes by the chairman and sometimes by other members of the committee.

Mr. CUMMINS. Then I take it the Senator from Wyoming believes that whenever a Senator who happens to be a member of a committee offers an amendment relating to a bill of which the committee has been in charge, it is understood as being a committee amendment?

Mr. WARREN. If it is authorized by the committee.

Mr. CUMMINS. There was no suggestion in the Record of yesterday that that was the case.

Mr. WARREN. It is supposed to be taken as a matter of course. I may have been at fault in not elaborating that, but I supposed that that was taken as a matter of course.

Mr. BRISTOW. If I may be permitted to make a suggestion, the Senator who offered the amendment has just stated that he did not offer it as a committee amendment, but offered it as an individual amendment.

Mr. CUMMINS. I simply want the Record to be perfectly clear on that point. Otherwise I would not have made the point of order. The Record states:

Mr. MARTIN of Virginia. On page 16, in line 15, I move to amend by striking out "\$2,500" and inserting "\$3,000" after the word "clerk."

And so on. Never a suggestion that it had received the concurrence of the committee or was authorized by the committee.

Mr. MARTIN of Virginia. Mr. President, I desire to say that when those two letters were sent to the desk I had not read them. I did not know they were addressed to the chairman of the committee. They were handed to me on the floor of the Senate when the bill was almost in the act of being passed. I had not taken time even to read them. The Member of the House who handed them to me told me what they contained as he handed them to me. If I had known the letters were addressed to the chairman of the committee, I should have handed them to him and he would have made the motion instead of myself.

Mr. WARREN. Will the Senator from Virginia allow me?

Mr. MARTIN of Virginia. One minute, please. But when I made the motion I made it, I say, under those circumstances and as an individual Senator, and did not offer it as a committee amendment. I did not even know what was in those letters. But the chairman of the committee at once accepted the amendment, and I supposed that that made it a committee amendment.

Mr. WARREN. Now will the Senator from Virginia allow me?

Mr. MARTIN of Virginia. Certainly.

Mr. WARREN. Perhaps the Senator will remember that he brought the subject up to me and other members of the committee, and we stated then that if those letters appeared, we would offer it as a committee amendment.

Mr. MARTIN of Virginia. Beyond doubt that is the fact. At a full meeting the committee authorized this to be reported to the Senate as a committee amendment when these conditions were met. I did not know when I offered the amendment whether these conditions would be met, and I had not read the letters; but the letters being read, disclosed the fact that the conditions the committee had prescribed in order to have this offered as a committee amendment had been complied with. That is the condition of the matter.

Mr. GALLINGER. Mr. President, it seems to me we can easily get out of this trouble, which I think is unfortunate in every aspect. I am going to ask unanimous consent that the order for the yeas and nays be vacated. Then I suggest that a majority of the Committee on Appropriations have in writing now given their assent to this amendment, and it will then be offered by the Senator from Wyoming as a committee amendment. I first ask unanimous consent that the order for the yeas and nays be vacated.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the order directing the vote to be taken by yeas and nays be vacated. Is there objection? The Chair hears none, and the order is vacated by unanimous consent.

Mr. WARREN. There are two or three other committee amendments, which I send up.

Mr. LODGE. Let us dispose of this first.

The PRESIDENT pro tempore. The Chair understands that the Senator from Iowa practically withdraws his point of order. The amendment proposed by the Senator from Wyoming on behalf of the committee will be stated.

The SECRETARY. On page 16, line 15, strike out "\$2,500" and insert in lieu thereof "\$3,000"; in the same line strike out "\$1,600" and insert "\$2,000"; and in the same line strike out

"\$720" and insert in lieu thereof "\$1,000," so that if amended it will read:

Judiciary—Clerk \$3,000, assistant clerk \$2,000, janitor \$1,000.

Mr. CUMMINS. Understanding, Mr. President, that this amendment is now offered by the authority of the committee and is therefore moved by a standing committee, I do not make any point of order against it.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. WARREN. I have a supplemental request or estimate from the Auditor of the Post Office Department which, as it leads to economy, I offer. It is to reduce or change 14 clerks to 7 clerks and 7 skilled laborers.

The SECRETARY. On page 46, line 13, strike out "14 at \$1,000 each," and insert in lieu thereof "7 at \$1,000 each; 7 skilled laborers at \$900," and in line 14 change the total to read "\$49,300."

The amendment was agreed to.

Mr. MARTIN of Virginia. I desire to ask the chairman of the committee the reason why on line 23, page 12, we find inserted the name "George H. Carter" as clerk of the Joint Committee on Printing. Other clerks of committees are, without exception, appropriated for by the office, and not by name.

Mr. President, I am not questioning the competency of this clerk or intimating that he ought not to be continued in the position he holds; but I do not understand why a clerk who has hitherto been appropriated for by his office as clerk to the Joint Committee on Printing should now be appropriated for by name. If that policy is to be adopted, I do not know why a particular clerk should be singled out and designated by name, when scores of clerks of committees are appropriated for by the office which they hold, and not by name. I should like to know from the chairman of the committee if there is any good reason why this exception should be made.

Mr. WARREN. It is not an innovation; it is nothing new. We have for many years carried one or more names, sometimes in the House and sometimes in the Senate, and now both. One of the gentlemen at the desk of the Senate has his name included in every bill: The superintendent of the document room has been appropriated for by name almost ever since I have been a member of the Senate. There is a man accredited to the Committee on Commerce whose name is inserted in the bill. It is not the plan followed, except in exceptional cases.

It was represented to the committee, and the committee's investigation bore out the representation, that this man had very great talent to fill this place, and it was the expressed wish of the members of the committee on both sides politically, and from both the House and the Senate, that this should be done; and in order to get at it it was brought up in that way.

I agree with the Senator that a general practice of putting the names of clerks in the appropriation bill would be improper, but there are cases where we have old and valued employees. For instance, the committee of which he is an honored member and of which I am chairman had inserted in the bill not the name but the words "the present incumbent," which every one knew to refer to the clerk—Mr. Cleaves. On the House side the same thing is true in the case of the clerk to the Committee on Appropriations. The clerk of that committee has been there longer than I have been a Member of this body. Every year, while his name is not mentioned, the extra appropriation is made for him as "the present incumbent." So whether the practice is good or bad it is not a new one, and, of course, it must require, I will not say unanimous consent, but large support. However, it is not new, and it was not put in in any surreptitious manner. It came in in the regular manner.

Mr. MARTIN of Virginia. Oh, Mr. President, I have not intimated that it got in in any surreptitious manner. Of course it did not get in in any surreptitious manner. It is printed here, and everybody knows it.

We all know that for several years, perhaps, an assistant secretary of the Senate has been mentioned by name in the appropriation act, and his very able and faithful and useful services here are such that I would not appear to be wounding him by making any suggestion as to a continuation in his case of what has heretofore been done. It having been done in his case, and he being an exceptionally admirable officer, I would not even make a suggestion by moving to amend it. I would not do that because it might be construed as unfriendly, perhaps, as his name has been inserted heretofore so often.

The same is true as to Mr. Boyd in the document room. I have not made any suggestion as to that, and for the same reason, although it is bad practice, and it ought not to be done. As a legislative procedure it can not be justified. Employees of the Senate ought not to be appropriated for by name, but by the

offices which they hold, and so long as they hold those offices they would draw the pay assigned to the office by the action of the Senate. But I do say that this practice ought not to be extended. As to those two cases, I have not made any motion, and do not intend to make any motion, although I consider the practice a bad one. In the case of the other gentlemen I have referred to who have been included by name heretofore I shall not ask that any change be made, but I wanted to know whether there was any good reason why this bad rule should be extended.

If there is any reason why it should be extended in this case, why not extend it and name all the clerks and appropriate for all the committee clerks by name? I do not believe myself there is any justification for this extension of this bad rule, and as no reason has been assigned why it should be done, I move that the name be stricken out and that the bill be amended—

Mr. SMOOT. Will the Senator withhold his motion until I can make a statement?

Mr. MARTIN of Virginia. I will.

Mr. SMOOT. This question came up yesterday and was discussed somewhat, as the Senator will see if he has read the Record this morning.

Mr. George H. Carter is so eminently qualified for the position that there is not a member on the committee on the part of the Senate who has not requested that he be designated by name in the appropriation bill for the place. George H. Carter has given years of attention to the work, and the Senator himself knows that there is no committee of the Senate that has the daily detail drudgery to perform that the Joint Committee on Printing is called upon to do. Mr. Carter is familiar with every phase of the work. He knows the printing law and all the rules of the committee. He is eminently qualified for the position. It was for that reason his name was put in the bill.

It is not a question, Mr. President, of politics. Mr. George H. Carter is a gentleman from Iowa. I suppose many, many Senators know him. As I said yesterday, I do not believe there is a man in the United States so well qualified for the place as Mr. Carter. Think of the hundreds and thousands and even millions of documents printed by the Government. Yet Mr. Carter knows just where they are stored, how many there are, and how they should be distributed. It seems to me there should be no objection to his name being mentioned in the bill as clerk of the committee.

Mr. MARTIN of Virginia. Mr. President, if Mr. Carter is so eminently qualified and so thoroughly satisfactory to every one, why ask to tie the hands of those who are to come after him? I am not intimating that he ought not to be continued as clerk of that committee. From what has been stated, it seems to me there is no doubt about the fact that he will be continued as the clerk of the committee. But why single him out? There are other committee clerks here who are just as efficient and just as faithful and just as satisfactory. Why not let the committee determine that? If this high qualification exists, and I do not doubt it, why not trust the committee to use a wise discretion and continue him as clerk of the committee, if they think it is proper to do so? Why forestall their action and interfere with their freedom of choice in the selection of a clerk of that committee?

There can be, Mr. President, no good reason for that. I never imagined that it was politics. I did not think it was politics, but I did think that there was a desire—and not an objectionable desire—to be a little personal in this matter, and I do not know but that it was shared in just as much by Democrats as Republicans. Indeed I am sure of it, for at least one member of that committee has spoken to me on this subject very much on the line of the Senator from Utah. But I do not think we should be showing partiality and personal favors in the general legislation of Congress. I do not think this name ought to be inserted in the bill, unless you are going to adopt a new rule and appropriate for committee clerks by name. I look upon it as bad legislation. It has been done in a few instances in the past, and I am simply protesting against the extension of that system. In this particular instance no good reason has been assigned why it should be done.

I hope the Senate will, in that item of the appropriation bill, in lines 23 and 24, strike out the name George H. Carter.

Mr. SMOOT. I desire to say to the Senator—

Mr. CLARKE of Arkansas. May I ask the Senator from Utah a question?

Mr. SMOOT. Certainly.

Mr. CLARKE of Arkansas. What substantial advantage would Mr. Carter obtain by having his name included in the bill?

Mr. SMOOT. It will secure him the place for the next year. Every member of the committee on the part of the Senate desires that he should be continued as clerk of the committee.

Mr. CLARKE of Arkansas. I infer from the statement of the Senator from Utah that it will give a certain degree of permanency to his tenure in this particular place.

Mr. SMOOT. That is the object of it. I wish to say that there is no partiality shown to him as a man.

Mr. CLARKE of Arkansas. I am not objecting, I will say.

Mr. SMOOT. There are dozens of clerks around the Senate for whom I have just as high regard as I have for Mr. Carter, but I do know—

Mr. CLARKE of Arkansas. The Senator need not defend Mr. Carter against any implied accusation in any remarks I made. I simply wanted to know what he was doing and what the effect would be. The explanation made about Mr. Carter's competency is sufficient. The place requiring long training and experience, the explanation satisfies me, and I want to leave it there, but I want to know what I am doing when I leave it there. You legislate him into the bill until the appropriation expires in July, 1914?

Mr. SMOOT. It is continuing him only one year.

Mr. CLARKE of Arkansas. One year from June 30. Having known what I am to do and what my vote amounts to, I am prepared to cast it to leave his name in the bill.

Mr. WORKS. I should like to inquire what has become of the unfinished business.

Mr. WARREN. I do not understand that this question has been disposed of. There is a motion pending.

Mr. WORKS. I do not want any vote to be taken to displace the unfinished business. The hour has arrived.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. WORKS. Unless some Senator desires to address the Senate upon the unfinished business, I ask that it be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending question is on the motion of the Senator from Virginia. The question in the mind of the Chair is whether the motion should not be to reconsider the action whereby the amendment was agreed to.

Mr. GALLINGER. It has been adopted?

Mr. SMOOT. Yes.

Mr. GALLINGER. It should be reconsidered, then.

The PRESIDING OFFICER. The Chair understands that the amendment was agreed to by the Senate as in Committee of the Whole, and then in the Senate the action was to concur in the amendment made as in Committee of the Whole, and now the bill stands with that amendment concurred in. It seems to the Chair that the motion must be to reconsider the vote by which the amendment was concurred in.

Mr. MARTIN of Virginia. My understanding is that the bill came from the committee to the Senate with that amendment in it, and it is in order to act on the amendment when we get into the Senate.

The PRESIDING OFFICER. It is the recollection of the Chair, and the RECORD will show, that the amendments made as in Committee of the Whole were concurred in in the Senate.

Mr. MARTIN of Virginia. There has been nothing of that sort done, as I understand it.

The PRESIDING OFFICER. It will be found on page 1565 of the RECORD.

Mr. WARREN. The RECORD shows that the amendments made as in Committee of the Whole were concurred in in the Senate.

Mr. MARTIN of Virginia. They have not been approved in the Senate?

The PRESIDING OFFICER. Here is the language, on page 1565:

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to amendment. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MARTIN of Virginia. I move, then, to reconsider the vote. I was not aware of the fact that the amendment had been concurred in in the Senate. I move, therefore, that the action of the Senate so far as this item is concerned be reconsidered.

Mr. SMITH of Georgia. I wish to ask that the Senator enlarge his motion so as to cover each one of the amendments inserting the name of an individual. There are several of them.

Mr. WARREN. The Senator surely does not mean to take those in the current law.

Mr. SMITH of Georgia. No; but each of the amendments reported by the committee adding a new name.

Mr. MARTIN of Virginia. I think the better practice is to act on each one as they come in different parts of the bill.

Mr. GALLINGER. One at a time,

Mr. MARTIN of Virginia. One at a time. This is an innovation. It is an extension of the practice which I think is a bad legislative practice. This name has not been in any other appropriation bill, and I prefer, therefore, that it should be singled out and disposed of individually and separately. Then any other name will be open to the same objection, if a Senator desires to offer the amendment. The present motion, therefore, is to reconsider the vote by which the amendment on lines 23 and 24 on page 12 was concurred in.

The PRESIDING OFFICER. The question is on the motion made by the Senator from Virginia, to reconsider the vote by which the amendment indicated by him was concurred in. [Putting the question.] The yeas appear to have it.

Mr. SMITH of Georgia. A division!

Mr. MARTIN of Virginia. I ask for a division.

Mr. GALLINGER. We always gain time by calling for the yeas and nays when a division is demanded.

Mr. SMITH of Georgia. All right—the yeas and nays.

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Kansas [Mr. CURTIS] and vote "nay."

Mr. MARTIN of Virginia (when Mr. O'GORMAN's name was called). The junior Senator from New York [Mr. O'GORMAN] is unavoidably absent from the city to-day.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and vote. I vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is detained from the Senate on account of sickness. I transfer that pair to the junior Senator from Nevada [Mr. MASSEY] and vote "nay."

Mr. FOSTER (when Mr. THORNTON's name was called). I wish to announce that my colleague [Mr. THORNTON] is unavoidably absent from the Senate.

The roll call was concluded.

Mr. PAYNTER. I desire to inquire if the Senator from Colorado [Mr. GUGGENHEIM] has voted.

The PRESIDING OFFICER. He has not.

Mr. PAYNTER. I have a general pair with that Senator and I therefore withhold my vote.

Mr. LIPPITT (after having voted in the negative). In voting, I neglected to state that I have a pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the Senator from South Dakota [Mr. GAMBLE].

Mr. DU PONT (after having voted in the negative). When I voted I supposed that the senior Senator from Texas [Mr. CULBERSON] was in the Chamber. As I have a general pair with that Senator, and he is not present, I will withdraw my vote.

Mr. MYERS. I am paired with the Senator from Connecticut [Mr. McLEAN]. I transfer that pair to the Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. McCUMBER (after having voted in the negative). I understand that my pair is not present in the Chamber, and I therefore withdraw my vote.

The result was announced—yeas 32, nays 28, as follows:

YEAS—32.

Bankhead	Heiskell	Martin, Va.	Shively
Borah	Hitchcock	Martine, N. J.	Simmons
Bristow	Johnson, Me.	Myers	Smith, Ga.
Bryan	Johnston, Ala.	Newlands	Smith, Md.
Burton	Johnston, Tex.	Owen	Swanson
Clapp	Jones	Perky	Tillman
Crawford	Kern	Polindexter	Townsend
Gore	La Follette	Pomerene	Works

NAYS—28.

Bourne	Cummins	Kenyon	Root
Brandegge	Dillingham	Lippitt	Sanders
Brown	Fletcher	Lodge	Smoot
Burnham	Foster	Nelson	Stephenson
Catron	Gallinger	Oliver	Sutherland
Clarke, Ark.	Gronna	Page	Warren
Cullom	Jackson	Perkins	Wetmore

NOT VOTING—34.

Ashurst	Curtis	McLean	Smith, Ariz.
Bacon	Dixon	Massey	Smith, Mich.
Bradley	du Pont	O'Gorman	Smith, S. C.
Briggs	Fall	Overman	Stone
Chamberlain	Gamble	Paynter	Thornton
Chilton	Gardner	Penrose	Watson
Clark, Wyo.	Guggenheim	Percy	Williams
Crane	Lea	Reed	
Culberson	McCumber	Richardson	

So the motion of Mr. MARTIN of Virginia to reconsider was agreed to.

Mr. MARTIN of Virginia. I now move that the bill be amended by striking out the name "George H. Carter," in lines 23 and 24, on page 12.

The PRESIDING OFFICER. The Chair takes it that the motion having been reconsidered whereby the amendment was concurred in, the question now comes on concurring in the amendment made as in Committee of the Whole. A negative vote, of course, would be in favor of the proposition which the Senator from Virginia makes to strike out.

Mr. MARTIN of Virginia. I understand, then, the Chair will put the question whether or not the amendment shall be concurred in.

The PRESIDING OFFICER. That is the question.

Mr. MARTIN of Virginia. Those who want to have the name taken out will vote "nay."

The PRESIDING OFFICER. They will vote "nay." The question is on concurring in the amendment, made as in Committee of the Whole, inserting the name "George H. Carter." [Putting the question.] The "noes" seem to have it.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON], I therefore withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not present in the Chamber, and I will withhold my vote. If I were at liberty to vote, I would vote to sustain the committee.

Mr. GALLINGER (when his name was called). I will again announce my pair with the junior Senator from New York [Mr. O'GORMAN] and its transfer to the Senator from Kansas [Mr. CURTIS], as on the previous vote. I vote "yea."

Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the senior Senator from South Dakota [Mr. GAMBLE], and I vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. In his absence I withhold my vote.

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN] and its transfer to the junior Senator from Nevada [Mr. MASSEY]. I vote "yea."

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I desire to announce that my colleague [Mr. OVERMAN] is absent from the Senate on account of illness. While I am on my feet I will inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted. I do not see him in the Chamber.

The PRESIDING OFFICER. He has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from Arizona [Mr. ASHURST] and vote. I vote "nay."

Mr. THORNTON. I desire, first, to announce the necessary absence from the Senate Chamber of the junior Senator from New York [Mr. O'GORMAN]. I wish to announce, further, that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I vote "nay."

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer that pair to the Senator from New Mexico [Mr. CATRON] and vote "yea."

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and vote. I vote "yea."

Mr. GALLINGER. I was requested to announce that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON], that the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH], and that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED].

The result was announced—yeas 31, nays 30, as follows:

YEAS—31.

Bourne	Cummins	Kenyon	Root
Bradley	Dillingham	Lippitt	Sanders
Brandegee	du Pont	Lodge	Smoot
Brown	Fletcher	McLean	Stephenson
Burnham	Foster	Nelson	Sutherland
Burton	Gallinger	Oliver	Warren
Clark, Wyo.	Gronna	Page	Wetmore
Crawford	Jackson	Perkins	

NAYS—30.

Bankhead	Johnston, Ala.	Newlands	Smith, Ga.
Bristow	Johnston, Tex.	Owen	Smith, Md.
Bryan	Jones	Perky	Swanson
Chamberlain	Kern	Poin Dexter	Thornton
Gore	La Follette	Pomerene	Tillman
Heiskell	Martin, Va.	Shively	Works
Hitchcock	Martine, N. J.	Simmons	
Johnson, Me.	Myers	Smith, Ariz.	

NOT VOTING—33.

Ashurst	Culbertson	McCumber	Smith, Mich.
Bacon	Cullom	Massey	Smith, S. C.
Borah	Curtis	O'Gorman	Stone
Briggs	Dixon	Overman	Townsend
Catron	Fall	Paynter	Watson
Chilton	Gamble	Penrose	Williams
Clapp	Gardner	Percy	
Clarke, Ark.	Guggenheim	Reed	
Crane	Lea	Richardson	

So the amendment was concurred in.

Mr. SUTHERLAND. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 7. That hereafter in the event of reductions being made in any force employed under the civil service or in any of the executive departments or independent establishments no honorably discharged soldier, sailor, or marine who has had active service in the Civil War, the Spanish-American War, or the Philippine insurrection, whose record is rated good shall be discharged or dropped or reduced in rank, class, salary, or compensation. Any person knowingly violating the provisions of this section shall be summarily removed from office and may also upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year.

Mr. SUTHERLAND. Mr. President, the amendment which I have offered modifies section 5, which went out on a point of order yesterday, made by the Senator from Oklahoma [Mr. OWEN]. I have modified it now by limiting it to those soldiers, sailors, and marines who have had active service either in the Civil War, the Spanish-American War, or the Philippine insurrection. I hope in that form that we may be permitted to vote upon it.

Mr. WARREN. Mr. President, I assume that perhaps the Senator from Utah can assure me that the amendment is in the exact terms of the legislation of last year, which took care of those in Washington, and merely extends the same privilege to those outside the District that the original provision did to those inside.

Mr. SUTHERLAND. Not quite in the same terms. I have made it a little more definite. For example, I have put in after the first word, "That," the word "hereafter." It read in the original law, "That in the event of reductions," I simply put in the word "hereafter," so as to make it the permanent law. Then I have added, after the word "departments," the words "or independent establishments," because there are some establishments that are not under the executive departments. The original law did not include the word "hereafter." For the same reason, to make it entirely clear and definite, I have added after the word "rank" the word "class," and after the word "salary" the words "or compensation," so as to embrace the whole subject matter. With those changes, which simply add to the certainty and clearness of the law, I have simply put in the limitation to which I have already called attention, namely, that it shall only apply to soldiers, sailors, and marines who have seen active service in the Civil War, the Spanish-American War, or the Philippine insurrection.

Mr. JONES. I do not know at what point in the amendment the words should come in, but after the word "executive" I move to amend the amendment proposed by the Senator from Utah by inserting the words "or legislative."

Mr. SUTHERLAND. I have no objection to that.

The PRESIDING OFFICER. Does the Senator from Utah accept the modification suggested by the Senator from Washington as a part of his amendment?

Mr. SUTHERLAND. I accept the modification suggested by the Senator from Washington.

Mr. OWEN. Mr. President, I make the point of order against the proposed amendment as modified that it is legislation on an appropriation bill and that it changes existing law. I commented on the matter yesterday, that it is not good policy to use appropriation bills for general legislation. Many Senators who are absent are absent relying upon the integrity of the rules of the Senate, not expecting that there will be put upon appropriation bills legislative items which they have not seen and which they would not perhaps agree to if they did see. I therefore make the point of order against the amendment.

Mr. POINDEXTER. Mr. President, it seems to me that the point of order made by the Senator from Oklahoma [Mr. OWEN], which is based upon the rule against general legislation being

attached to appropriation bills, is not exactly applicable to the amendment proposed by the Senator from Utah [Mr. SUTHERLAND] for the reason that the amendment simply proposes to establish conditions under which the appropriations shall be expended. The amendment relates to employees for whose salaries the appropriations are made and provides for conditions under which the salaries appropriated in the bill shall be apportioned to the various employees. It seems to me for that reason that the amendment is an exception to the general rule, and that the objection to it is not pertinent.

Mr. OWEN. In addition to the suggestions which I have heretofore made against the amendment, I suggest that it would be a criminal statute.

The PRESIDING OFFICER. It seems to the Chair that the amendment proposes general legislation. The Chair therefore holds that the point of order made by the Senator from Oklahoma is well taken, and it is sustained by the Chair.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to insert:

That the salaries of the members of the police force employed in the Capitol and in the Senate and House Office Buildings be made equal to the salaries paid to the elevator conductors employed in the said buildings, to wit, \$1,200 per annum.

Mr. CLARKE of Arkansas. Mr. President, I think I shall make the point of order against that amendment for the same reason that I indicated yesterday. If it is a fact that there are gross and palpable inequalities in the pay that is being given to the different employees of the Senate, there ought to be some comprehensive and thorough examination into that matter and the inequalities developed. I am inclined to believe that some salaries will be found to be above the natural average, but by taking off from the employees who are overpaid and giving to those who are underpaid we may bring about an equilibrium that will come nearer doing justice than legislating in this blind way. I raise the point of order against the amendment.

The PRESIDING OFFICER. The point of order is sustained.

Mr. OWEN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 26, after line 6, it is proposed to insert:

For legislative reference bureau under the direction of the Librarian of Congress, \$10,000.

Mr. WARREN. Mr. President, that is not estimated for and it has not been brought before the committee for consideration.

Mr. OWEN. Before the Senator from Wyoming makes the point of order on the amendment I should like to be heard.

Mr. WARREN. I will withhold the point until the Senator from Oklahoma can speak on the amendment.

Mr. OWEN. Mr. President, I should like to have an opportunity to explain the purpose of this proposed provision. We have a very great volume of information in our Library and in the records of this Government, which is not conveniently digested altogether for the use of Members of the Senate and of the other House. The legislative reference bureau which has been established in Wisconsin has proved to be of very great value to that State in promoting the character of legislation, in enabling the members of the senate and of the house to perform their duties efficiently, with knowledge of the law relating to any given subject and the decisions of the courts in relation to any given statute. It has been so useful that I think it is obvious that the Congress of the United States ought to have a department of the same character. I should like to ask the Senator from Wisconsin [Mr. LA FOLLETTE], who is so familiar with this matter, to explain to the Senate in a few words the legislative reference bureau of Wisconsin. As I say, he is very familiar with it and its service. The matter has been reported on by the Librarian of Congress, who appreciates its importance. I will ask the Senator from Wisconsin to explain to the Senate what the system is in Wisconsin and its value there.

Mr. LA FOLLETTE. Mr. President, my attention was diverted when the Senator began to speak. I presume he is making his remarks upon an amendment which he has offered.

Mr. OWEN. Yes.

Mr. LA FOLLETTE. Well, Mr. President, I do not care to take the time of the Senate simply to spread some remarks upon the Record here. I presume that a point of order will be made against the amendment and that it will be ruled out as obnoxious to the rule. That being so, I will not at this time submit any observations on the subject. I will say, however,

that I purpose to introduce a bill to establish a legislative reference department, which I deem to be of very great importance to Congress and to the country, and endeavor to secure a report upon it in time to offer it as an amendment to another appropriation bill at this session. Since conferring with my friend, the Senator from Oklahoma [Mr. OWEN], yesterday, regarding the matter, I have made a partial canvass of the members of the Library Committee, and I believe we will be able to have a bill more complete and comprehensive than any amendment which could now be offered reported from that committee before another appropriation bill to which it would be germane as an amendment passes the Senate. Then I hope, Mr. President, to take the time of the Senate very briefly to set forth what has been done in Wisconsin by the establishment of the legislative reference department. I might say its work is broader than that; that does not properly describe it; it is a department of research and investigation and has been very helpful to legislators in Wisconsin in acquiring that exact and comprehensive knowledge of the subjects treated, to insure a body of economically sound progressive statutes.

Mr. OWEN. I withdraw the amendment, Mr. President.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WARREN. Mr. President, I wish simply to say a word. I have nothing to urge against the merits of the amendment, and I am very glad the Senator from Wisconsin was given an opportunity to say that the proposition will be thoroughly perfected before it shall come before the Committee on Appropriations.

The PRESIDING OFFICER. Are there further amendments to be offered in the Senate? If not, the amendments will be ordered to be engrossed and to be read a third time.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GERMAN ORPHAN ASYLUM ASSOCIATION.

Mr. CRAWFORD. I ask that the Senate resume consideration of House bill 19115, commonly known as the omnibus claims bill.

Mr. GALLINGER. Mr. President, I ask the Senator if he will kindly yield to me to request consideration of a bill which, if objected to or debated at all, I will immediately withdraw. It is a District of Columbia bill, which is important to a charitable organization.

Mr. CRAWFORD. If the matter will not provoke any discussion, I will yield to the Senator.

Mr. GALLINGER. It will be immediately withdrawn if it does.

Mr. CRAWFORD. I want to insist upon pushing the claims bill, because it has been before the Senate a long while and no vote has been had upon it.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 7508) to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia," approved February 6, 1901, by adding to and making a part of section 1 of that act the following:

And the said German Orphan Asylum Association of the District of Columbia may hereafter fix, limit, and determine the number of directors to constitute its board of directors by any constitution or constitutions which may hereafter be adopted by the said association, and the number of its said directors may be decreased or increased as provided by any constitution or constitutions, or any amendment or amendments thereto, which the said association may lawfully adopt.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I thank the Senator from South Dakota for his courtesy.

OMNIBUS CLAIMS BILL.

Mr. CRAWFORD. Mr. President, I ask for a vote upon the pending amendment, which is the amendment offered by me to the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

The PRESIDING OFFICER. The Chair suggests that the bill has not yet been taken up in the regular way.

Mr. CRAWFORD. I thought the bill was before the Senate.

The PRESIDING OFFICER. The Senator withdrew his request before the bill was taken up in favor of the Senator from New Hampshire [Mr. GALLINGER].

Mr. CRAWFORD. I did not withdraw it; I simply withheld the request in order that a small bill might be considered.

The PRESIDING OFFICER. The bill was not regularly taken up.

Mr. CRAWFORD. Then I renew my request that the Senate resume the consideration of House bill 19115, known as the omnibus claims bill.

I desire to say that we have discussed more or less now for a number of days the question of incorporating the French spoliation claims into this bill. I am anxious to have that matter disposed of one way or the other, because in a large degree it will determine whether or not we are to go on with this bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts.

Mr. CLARKE of Arkansas. Mr. President, before we take a vote on any of the features of the amendment offered by the Senator from Massachusetts [Mr. LODGE] I think we ought to have a fuller attendance of the Senate, and I make the point—

Mr. CRAWFORD. If the Senator will permit me, the Senator from Massachusetts has said to me several times that, so far as my amendment to the amendment proposed by him is concerned, he would not ask for a roll call. I desire to have that amendment to the amendment disposed of. Then I should not want to take up the amendment of the Senator from Massachusetts without his being in the Chamber, and I shall send for him.

Mr. CLARKE of Arkansas. I supposed that the amendments would follow in natural order and that after the amendment of the Senator from South Dakota to the amendment of the Senator from Massachusetts had been disposed of the question would recur on the amendment offered by the Senator from Massachusetts. If that be not the case, I see no necessity for taking the time.

Mr. CRAWFORD. I should like to have a vote on the amendment offered by me to the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. CRAWFORD] to the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. President, I only want to say a word in regard to the matter of premium, which was alluded to the other day. The war premium, as was held in the Alabama cases, was paid on account of the war, on account of the danger, in one case from the Confederate cruisers and in the other from the cruisers of France, and they were obliged to pay the excessive premiums which constituted a part of their loss because of the situation of France. That is all I wanted to say, merely to explain that. I am perfectly ready now to take a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota to the amendment offered by the Senator from Massachusetts.

The amendment to the amendment was agreed to.

Mr. LODGE. On the main amendment, as amended, I should like to have the yeas and nays.

The PRESIDING OFFICER. Is there a second?

Mr. CLARKE of Arkansas. Mr. President, while the calling of the yeas and nays may automatically disclose the absence of a quorum, I make the point, technically, that there is no quorum present.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	du Pont	McCumber	Shively
Bankhead	Fletcher	McLean	Simmons
Bourne	Gallinger	Martin, Va.	Smith, Ariz.
Bradley	Gronna	Martine, N. J.	Smith, Md.
Brandeggee	Helskell	Myers	Smoot
Brown	Hitchcock	Oliver	Stephenson
Bryan	Jackson	Owen	Sutherland
Burnham	Johnson, Mo.	Page	Swanson
Burton	Johnson, Ala.	Paynter	Thornton
Chamberlain	Johnson, Tex.	Perkins	Tillman
Clapp	Jones	Perky	Wetmore
Clark, Wyo.	Kern	Poindexter	Williams
Cullom	La Follette	Pomerene	Works
Cummins	Lippitt	Root	
Dillingham	Lodge	Sanders	

Mr. THORNTON. I announce the necessary absence from the Chamber of the junior Senator from New York [Mr. O'GORMAN], and ask that this announcement stand for the day.

Mr. KERN. I desire to announce that the junior Senator from South Carolina [Mr. SMITH] is absent on account of a death in his family. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum of the Senate is present. The question is on the adoption of the amendment offered by the Senator from Massachusetts [Mr. LODGE] as amended on motion of the Senator from South Dakota [Mr. CRAWFORD], on which the yeas and nays have been ordered.

Mr. CRAWFORD. Mr. President, before the vote is taken, as a matter of justice to myself, I am glad to say that as the French spoliation claims amendment is now proposed, if it were here as an independent proposal I should vote for it. But representing the committee, and in view of the policy of the committee, and the rules adopted by the committee in framing this bill, and as it was decided there that it was inexpedient to attach the French spoliation claims to this bill, inasmuch as it would simply mean the defeat of the omnibus claims bill, I shall, simply because of my belief that it is inexpedient, vote against the amendment to incorporate them on this bill.

Mr. CLARKE of Arkansas. Mr. President, I quite fall in with the idea indicated by the Senator from South Dakota [Mr. CRAWFORD], the chairman of the Committee on Claims. I shall not at this time address myself to the merits, or so-called merits, of the French spoliation claims, because in my judgment it is inexpedient for some of us to vote for the incorporation of these claims in this bill at the present time. As the bill came from the House it contained several hundred thousand dollars of so-called Southern war claims, the validity of which had been adjudicated by the Court of Claims. As a part of the policy announced by the Senator from South Dakota all of the individual claims of that class were omitted from the bill and only such items included as related to the injury or destruction of churches or schoolhouses.

Many of us interested in the passage of the bill in its original form acquiesced in that under the belief that we thereby facilitated the payment of some part of the indebtedness, and we simplified the issues that would arise subsequently, not only in regard to the individual claims in favor of southern claimants, but that we would also be in a more independent attitude with reference to these French spoliation claims. So purely as a matter of legislative procedure many of us will vote against the consideration of these claims at the present time.

There has been developed a sharp and irreconcilable conflict between the two Houses in reference to the payment of these claims, and at least two bills failed of enactment because both classes of claims were largely represented in the same bill. So I may say that now—and I think I speak not only for myself but for a number of other Senators on this side of the Chamber who are similarly situated—that wholly without reference to the merits or demerits of the so-called French spoliation claims, we deem it inexpedient to vote to put them on this bill at the present time.

There has been no claims bill since 1907, and while a great many reasons have cooperated to produce that result, none has contributed more than the fact of the so-called French spoliation claims being made a part of the bill. Their merits are distinct, if they have any merits, and I say they have none. But I will devote a little time to that at a later stage of their consideration.

But now, having acquiesced in the elimination of all the claims that come from the section of the country from which many of us on this side come, we feel it would be nothing but fair to test out the sentiment of Congress in the matter of paying these claims of churches and schoolhouses. They are in a class distinct from other claims that are usually included in this bill. They were never founded in absolute right. They were never recognized for some 30 years after the war. A sentiment developed here, under the leadership of the late Senator from Massachusetts, Mr. Hoar, in favor of recognizing these claims as sort of a benevolence. I think it was an egregious blunder. The people of the South are not particularly concerned about what churches and schoolhouses were destroyed 50 years ago. That whole section has been rehabilitated entirely beyond the dream of the wildest friend that section had. These things are not at all essential to the prosperity of the community, but, having been allowed and recognized as claims, individual communities have taken them up, and they feel that the same treatment should be accorded to those, the validity of which has now been adjudged, that has been accorded to the same class of claims on former occasions.

It is to get rid of that so-called exhibition of benevolence on the part of Congress that I have been inclined to agree to

the proposition made by the Committee on Claims. The people of the South did not need such an exhibition of generosity on the part of the late Senator from Massachusetts to convince them that they had rights that were to be respected and duties that were to be discharged.

The reconciliation of the sections and of the classes did not depend upon a few dollars here and a few dollars there for a destroyed or damaged church. That was a mere bagatelle, and it has come into prominence only by reason of the fact that payments of that character have been made, and claim agents have become busy and have stirred up claims locally, and that reacts on us here, and we find ourselves continually prodded for our negligence in failing to get recognition for claims that now remain, whereas similar claims have received favorable recognition.

As I desire to reduce the number of conflicts in connection with this bill and come down to a basis where we can fairly and independently consider the merits of the so-called French spoliation claims and open up a way to increase the independence of the other side of the Chamber to investigate the merits of the so-called southern war claims, I think this bill ought to pass just in accordance with the plan laid down by the Committee on Claims. I shall therefore vote against the consideration of the spoliation claims at this time, without indicating in detail the reasons why I do so.

Mr. BRISTOW. Mr. President, I devoted considerable time to a discussion of these claims upon a former occasion. Having talked with a number of Senators, I am convinced that it is not the purpose of the Senate to incorporate these claims into the bill at this time; and not wishing to occupy the time of the Senate in discussing the merits of the claims, believing that they will not be made a part of the bill, I therefore will not discuss them at this time, as otherwise I would.

Mr. WILLIAMS. Before the Senator from Kansas takes his seat I should like to ask him a question. Did not the United States Government receive from the French Government a large amount of money for the purpose of paying these claims?

Mr. BRISTOW. It did not.

Mr. LODGE. It received its equivalent.

Mr. WILLIAMS. I have always thought that the United States did. In the Louisiana treaty there were some three and one-half million dollars—

Mr. BRISTOW. That is not the treaty upon which these claims are based.

Mr. WILLIAMS. It may not be; but under the Louisiana treaty there was an amount—I forget precisely what it was, but I think it was three million and a fraction dollars—that the Government of the United States assumed as claims of Frenchmen against the United States Government, in consequence of the war de facto, although never declared by either nation; and that is the point to which I am referring.

Mr. BRISTOW. That does not relate to these claims. It relates to a different matter.

Mr. LODGE. If the Senator from Mississippi will allow me, what was done was this: In consideration of our undertaking the payment of our claimants, France undertook the payment of her claimants against us.

Mr. WILLIAMS. I understand that, and that was a part of the same treaty.

Mr. LODGE. No; I think that was an earlier treaty.

Mr. WILLIAMS. Well, I may be mistaken about that.

Mr. BRISTOW. That was a separate treaty.

Mr. WILLIAMS. But my recollection is that in the sum total we had to pay for Louisiana; in addition to the \$15,000,000, which we paid in cash, there were some three million and a fraction of dollars that were included, which we assumed for our own citizens who had claims against France. I do not mean for French subjects who had claims against us.

Mr. BRISTOW. That was another treaty and related to a different matter, I will say to the Senator from Mississippi.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE] as amended, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], which I transfer to the Senator from New Mexico [Mr. CATRON] and will vote. I vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer it to the Senator from New Mexico [Mr. FALL] and will vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM].

In his absence, I withhold my vote. Except for that, I would vote "yea."

Mr. PERKINS (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN], which I transfer to the junior Senator from Nevada [Mr. MASSEY] and will vote. I vote "nay."

The roll call was concluded.

Mr. WARREN. I am paired with the senior Senator from Louisiana [Mr. FOSTER]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. GALLINGER. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer it to the junior Senator from Maryland [Mr. JACKSON], who would vote for this amendment, and will vote. I vote "yea."

Mr. LIPPITT. I again announce the transfer of my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from South Dakota [Mr. GAMBLE]. I vote "yea."

The result was announced—yeas 21, nays 41, as follows:

YEAS—21.

Bradley	du Pont	McLean	Thornton
Brandeggee	Gallinger	Martin, Va.	Wetmore
Burnham	Johnson, Me.	Oliver	Williams
Clapp	Lippitt	Page	
Cullom	Lodge	Penrose	
Dillingham	McCumber	Root	

NAYS—41.

Ashurst	Curtis	La Follette	Smith, Ga.
Bankhead	Dixon	Martine, N. J.	Smoot
Bourne	Fletcher	Myers	Stephenson
Bristow	Gronna	Perkins	Sutherland
Brown	Helskell	Perky	Swanson
Bryan	Hitchcock	Poindexter	Tillman
Burton	Johnston, Ala.	Pomerene	Townsend
Chamberlain	Johnston, Tex.	Sanders	Works
Clarke, Ark.	Jones	Shively	
Crawford	Kenyon	Simmons	
Cummins	Kern	Smith, Ariz.	

NOT VOTING—32.

Bacon	Fall	Massey	Reed
Borah	Foster	Nelson	Richardson
Briggs	Gamble	Newlands	Smith, Md.
Catron	Gardner	O'Gorman	Smith, Mich.
Chilton	Gore	Overman	Smith, S. C.
Clark, Wyo.	Guggenheim	Owen	Stone
Crane	Jackson	Paynter	Warren
Culberson	Lea	Percy	Watson.

So Mr. LODGE's amendment as amended was rejected.

EXECUTIVE SESSION.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. CRAWFORD. I desire to give notice that I will ask the Senate to resume consideration of the omnibus claims bill after the routine morning business to-morrow, and hope we may then be able to dispose of it.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on agreeing to the motion of the Senator from Utah, that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 27 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 17, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 16, 1913.

COLLECTOR OF CUSTOMS.

John R. Willis, of Alaska, to be collector of customs for the district of Alaska, in the Territory of Alaska. (Reappointment.)

REGISTER OF THE LAND OFFICE.

John L. Lockhart, of South Dakota, to be register of the land office at Pierre, S. Dak., his term expiring January 27, 1913. (Reappointment.)

PROMOTIONS IN THE NAVY.

Ensign Henry E. Rossell to be an assistant naval constructor in the Navy from the 7th day of January, 1913, to fill a vacancy (vice John C. Sweeney, jr., late assistant naval constructor, United States Navy, declared a deserter from the naval service from June 6, 1910).

The following named machinists to be chief machinists in the Navy from the 27th day of December, 1912, upon the completion of six years' service as machinists:

Arthur W. Bird and
Willis Dixon.

Pharmacist Stephen W. Douglass to be a chief pharmacist in the Navy from the 22d day of August, 1912, in accordance with the provisions of an act of Congress approved on that date.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 6th day of January, 1913, in accordance with the provisions of the act of Congress approved August 22, 1912:

John C. Da Costa, a citizen of Pennsylvania, and
Hobart A. Hare, a citizen of Pennsylvania.

APPOINTMENTS IN THE ARMY.

FIELD ARTILLERY ARM.

Richard Christian Scott, of Virginia, late midshipman, United States Navy, to be second lieutenant of Field Artillery, with rank from January 15, 1913.

CORPS OF ENGINEERS.

John Carl Gotwals, of New York, to be probational second lieutenant in the Corps of Engineers for a period of one year.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Capt. Julius N. Killan, Quartermaster Corps, to be major from November 1, 1912.

Capt. Salmon F. Dutton, Quartermaster Corps, to be major from November 1, 1912.

POSTMASTERS.

CALIFORNIA.

James C. Arthur to be postmaster at Petaluma, Cal., in place of James E. Olmsted, resigned.

ILLINOIS.

Frederick H. Ballinger to be postmaster at Chenoa, Ill., in place of Frederick H. Ballinger. Incumbent's commission expires February 20, 1913.

Eva J. Harrison to be postmaster at Johnson City, Ill., in place of Eva J. Harrison. Incumbent's commission expires January 26, 1913.

W. A. Perrine to be postmaster at Herrin, Ill., in place of W. A. Perrine. Incumbent's commission expires February 9, 1913.

Seneca Selby to be postmaster at Golden, Ill., in place of Seneca Selby. Incumbent's commission expired January 11, 1913.

IOWA.

G. H. Mohr to be postmaster at Wall Lake, Iowa, in place of Charles B. Dean, deceased.

KANSAS.

Floyd E. Richmond to be postmaster at Logan, Kans., in place of Floyd E. Richmond. Incumbent's commission expired January 11, 1913.

LOUISIANA.

Edward I. Hall to be postmaster at Jennings, La., in place of Edward I. Hall. Incumbent's commission expires January 29, 1913.

MINNESOTA.

William K. Wilcox to be postmaster at Elysian, Minn. Office became presidential October 1, 1912.

NEW JERSEY.

Charlotte C. Ketcham to be postmaster at Belvidere, N. J., in place of Charlotte C. Ketcham. Incumbent's commission expired January 11, 1913.

Erurn Knapp Kenworthy to be postmaster at Millington, N. J., in place of Frederick P. Baker. Incumbent's commission expired January 5, 1913.

NEW YORK.

Thomas A. Chisholm to be postmaster at Fort Covington, N. Y., in place of Thomas A. Chisholm. Incumbent's commission expired December 16, 1912.

Edward L. Ware to be postmaster at Lake Placid, N. Y., in place of Edward L. Ware. Incumbent's commission expired January 11, 1913.

OHIO.

W. E. Halley to be postmaster at Greenville, Ohio, in place of W. E. Halley. Incumbent's commission expires February 11, 1913.

Thomas J. Maxwell to be postmaster at Fremont, Ohio, in place of Gustavus A. Gessner. Incumbent's commission expires February 9, 1913.

Joseph R. Taber to be postmaster at Canfield, Ohio, in place of Joseph R. Taber. Incumbent's commission expires February 9, 1913.

OKLAHOMA.

George M. Massingale to be postmaster at Leedey, Okla. Office became presidential January 1, 1913.

Olin W. Meacham to be postmaster at Henryetta, Okla., in place of Olin W. Meacham. Incumbent's commission expired January 14, 1913.

PENNSYLVANIA.

Frank R. Alter to be postmaster at Parnassus, Pa., in place of Renwick Rowan, deceased.

Clarence L. Dindinger to be postmaster at Zellenople, Pa., in place of Clarence L. Dindinger. Incumbent's commission expires March 1, 1913.

Thomas Pickrell to be postmaster at Old Forge, Pa., in place of Thomas Pickrell. Incumbent's commission expires February 20, 1913.

TEXAS.

Prince A. Hazzard to be postmaster at Colorado, Tex., in place of Prince A. Hazzard. Incumbent's commission expired January 11, 1913.

UTAH.

William H. Capwell to be postmaster at Tremonton, Utah. Office became presidential January 1, 1913.

VIRGINIA.

Thomas C. Bunting to be postmaster at Exmore, Va. Office became presidential October 1, 1911.

WASHINGTON.

John C. Davis to be postmaster at Leavenworth, Wash., in place of John C. Davis. Incumbent's commission expires February 9, 1913.

P. R. Parks to be postmaster at Colville, Wash., in place of P. R. Parks. Incumbent's commission expires February 11, 1913.

George B. Stocking to be postmaster at Republic, Wash., in place of George B. Stocking. Incumbent's commission expires February 20, 1913.

WEST VIRGINIA.

Harry W. Smith to be postmaster at Middlebourne, W. Va., in place of Harry W. Smith. Incumbent's commission expired January 14, 1913.

CONFIRMATION.

Executive nomination confirmed by the Senate January 16, 1913.

PROMOTION IN THE ARMY.

Edward J. McClernand to be brigadier general.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 16, 1913.

The House met at 12 o'clock noon.

Rev. William I. McKenney, pastor of the Wesley Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Almighty God, our heavenly Father, we come to acknowledge Thy sovereignty and express our thanksgiving and praise to Thee for Thy manifold blessings. Thou hast said, If any man lack wisdom, let him ask of God, who giveth to all men liberally and upbraideth not. Give to these, Thy servants, wisdom and righteousness in the discharge of their duties, and breadth of sympathy and vision. We pray for God's blessing upon Thy servant, our Chief Magistrate. Bless our President elect. Preserve his life and health to enter upon the duties of his great office, and God grant that his administration may be a conspicuous success and a blessing to all the people. Command Thy blessing, we beseech Thee, upon Thy servant, the Chaplain of the House. Lay Thy healing hand upon him and restore him to health and strength. These blessings we ask through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE MALEY.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, January 26, 1913, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. GEORGE R. MALEY, late a Representative from the State of New York.

The SPEAKER. Is there objection?

There was no objection.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, H. R. 27941.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, with Mr. SAUNDERS in the chair.

Mr. HAY. Mr. Chairman, this bill is, I may say, a straight appropriation bill. It carries very little if any new legislation. There are one or two items in the bill which have not been in the Army appropriation bill before, one of which is a provision increasing the pay of officers engaged in aviation. It may be remembered that in the last session of this Congress the House passed a bill increasing the pay of these aviation officers. That bill went to the Senate and has not been acted upon there, and we have thought that the matter is of sufficient importance to include it now in this bill.

There is also an appropriation of \$25,000 for the international shooting match at Camp Perry, Ohio. It makes provision for the entertainment of the rifle teams from other countries, and provides that they shall bring in their paraphernalia, in the way of arms, and so forth, free of duty. I think those are the only two items in the bill that may be called new.

The bill carries an appropriation of \$93,830,177, which is a reduction of \$1,717,453 of the estimate.

Last year the bill carried an appropriation of \$90,907,466. This bill is an increase of about two and one-half million dollars over last year's bill.

Mr. SHERWOOD. Will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. SHERWOOD. What is the aggregate increase in the pay of officers?

Mr. HAY. There is no increase except in the pay of aviation officers.

Mr. SHERWOOD. How large is that increase?

Mr. HAY. It will be about \$30,000.

Last year the committee, in making appropriations for the pay of the Army, thought they had provided a sufficient amount for that purpose, but during the present fiscal year the Army has been materially increased, and there will be a deficiency of \$2,500,000 in the pay of the Army, as I am informed by the War Department.

There will also be a deficiency of about \$750,000 in the subsistence of the Army, due to a great extent to the increase of the price of the articles of food which go to make up the Army ration. For that reason the present bill is increased beyond what it was last year.

Also last year the usual appropriation of \$1,000,000 for the maneuvers of the Organized Militia was in a separate bill, because of the necessity of getting it passed by the 1st of July. For that reason the bill of last year would have been \$1,000,000 more, and the expenses of the Army were in reality \$1,000,000 more than were carried in that bill.

I think I have stated the salient points in the bill, and unless somebody desires to ask me a question, I reserve the balance of my time.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to ask the gentleman if there is anything in this bill which authorizes expenditures for polo tournaments, race-track events, horse shows, and things of that kind?

Mr. HAY. There is no such provision in the bill.

Mr. BURKE of South Dakota. Is there any language in the bill that would prohibit it different from what has been in other bills?

Mr. HAY. There has been no change in the bill in regard to polo tournaments. So far as I know there has never been in the bill any provision for polo tournaments.

Mr. BURKE of South Dakota. I should like to read from a letter which I have received—

Mr. KAHN. Will the gentleman from Virginia yield to me for a moment?

Mr. HAY. I can only yield to one gentleman at a time. I have yielded to the gentleman from South Dakota.

Mr. BURKE of South Dakota. I have a letter from the Assistant Secretary of the Treasury, under date of August 23, 1912, in which he states that there are on file in the office of the Auditor for the War Department vouchers paid by disbursing officers of the Army on account of expenses in connection with the attendance of officers, enlisted men, and civilians upon polo tournaments, race-track events, and horse shows, which

were paid from the appropriations for "Regular supplies, Quartermaster's Department," "Incidental expenses, Quartermaster's Department," "Transportation of the Army and its supplies," "Barracks and quarters," "Subsistence of the Army," and "Mileage to officers."

That would indicate that money is being expended from some appropriation, made, I assume, in the Army appropriation bill, and it is on that account that I make my inquiry.

Mr. HAY. I will say that all those appropriations are carried in this bill, but under what particular provision of those items these expenses have been paid I am unable to say.

Mr. BURKE of South Dakota. Then I understand the gentleman has not intended that any appropriation carried in the bill should be expended for these purposes, and if the proper amendment is proposed at a suitable place in the bill, and if the gentleman shall be convinced that money is being so expended, I presume he will consent to an amendment prohibiting it.

Mr. HAY. I would if it was demonstrated that these polo tournaments are held for the benefit of the public and not for the benefit of the service.

Mr. BURKE of South Dakota. There are a few other items in the bill that I would like to bring to the attention of the chairman, but perhaps I had better wait until the bill is taken up under the five-minute rule.

Mr. HAY. I will answer them now.

Mr. BURKE of South Dakota. In regard to the expenditure of the appropriation carried in this bill which has reference to commutation—I think it is on page 13 of the bill, commutation of quarters to commissioned officers, and so forth. I would like to ask the gentleman to explain, if he will, how that is expended. As I understand it, if an officer is entitled by his rank to quarters at a military post of, say, five rooms, if he is detailed at some point other than a military post, for instance, at the War Department in the city of Washington, that he receives in cash on the basis of five rooms, \$12 a month, which would be \$60. He receives also in cash for the lighting and heating of five rooms, though he may only occupy one room or two rooms. Will the gentleman explain how that is?

Mr. HAY. I will state that the item to which the gentleman calls my attention refers to officers, dental surgeons, and so forth, who have not quarters at a military post and who have to have hired quarters. They get commutation of quarters in accordance with their rank, a second lieutenant getting two rooms and a first lieutenant three rooms, and so forth.

Mr. BURKE of South Dakota. Does not a captain get five rooms?

Mr. HAY. No; a captain gets four rooms, a major five rooms, and so forth. It is fixed by the rank of the officer, each room is \$12 a month, and they are paid in cash when not stationed at military posts.

Mr. BURKE of South Dakota. And are they not always paid for heat and light for that number of rooms, regardless of the fact whether they occupy that number of rooms or not?

Mr. HAY. The commutation of heat and light is based on the number of rooms which they are allowed.

Mr. BURKE of South Dakota. They receive it for fuel in the summer months the same as in winter months, do they not?

Mr. HAY. I think not, but I am not positive about that.

Mr. BURKE of South Dakota. Is it not true in many instances a great many officers are drawing \$75 and \$100 a month in cash in lieu of quarters and light and heat?

Mr. HAY. I suppose they are—a colonel, a major, a lieutenant colonel.

Mr. BURKE of South Dakota. Is it not true that there are a large number of officers in the city of Washington, as many as 175, that are drawing money in lieu of quarters and for fuel and light?

Mr. HAY. All officers in the city who are not stationed at the military post here at the Washington Barracks are drawing their commutation of quarters and allowances for fuel and light.

Mr. BURKE of South Dakota. I will discuss the matter further under the five-minute rule, and will make some further observations.

Mr. KAHN. If the chairman of the committee will allow me, I think there is a provision in the Military Academy bill which permits the purchase of horses of a certain size, which are used as polo ponies at West Point. That is allowed by law.

Mr. HAY. The gentleman from South Dakota was talking about the expenses of the polo tournaments held not at West Point, but at other places; one was held here last summer. Now, Mr. Chairman, I reserve the balance of my time.

Mr. PRINCE. Mr. Chairman, I yield one hour to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, the Constitution of the United States, Article II, section 3, provides:

He—

The President—

may on extraordinary occasions convene both Houses or either of them.

The word "extraordinary" in its usual and ordinary signification means beyond or exceeding the common order or degree. An "extraordinary occasion" as thus construed would be an uncommon, an unwonted, an unusual occasion. This was the view of the older commentators.

St. George Tucker, in his comments on Blackstone's Commentaries, volume 1, page 344, says:

The power of the President to convene either or both Houses of Congress was a provision indispensably necessary in a Government organized as the Federal Government is by the Constitution. Occasions may occur during the recess of Congress for taking the most vigorous and decisive measures to repel injury or provide for defense; Congress only is competent to these objects; the President may therefore convene them for that purpose. Or it may happen that an important treaty hath been negotiated during the recess of the Senate, and their advice be required thereupon without delay, either that the ratification may be exchanged in due time or for some other important reason. On such extraordinary occasions as these if there were not a power lodged in the President to convene the Senate, or the Congress, as the case might require, the affairs of the Nation might be thrown into confusion and perplexity, or worse.

Story on the Constitution, volume 2, section 1562, says:

The power to convene Congress on extraordinary occasions is indispensable to the proper operation and even safety of the Government. Occasions may occur in the recess of Congress requiring the Government to take vigorous measures to repel foreign aggressions, depredations, and direct hostilities; to provide adequate means to mitigate or overcome unexpected calamities; to suppress insurrections; and to provide for innumerable other important exigencies arising out of the intercourse and revolutions among nations.

In practice the earlier Presidents in summoning both Houses recognized this interpretation.

John Adams, May 15, 1797, by proclamation convened Congress, stating: "Whereas an extraordinary occasion exists for convening Congress." In his message giving reasons he cites the refusal of the French Republic to receive the American minister until the United States had acceded to their demands for "redress of grievances," the decrees of the Directory under which our commerce was being destroyed, and the necessity under the circumstances of strengthening our Army and Navy. In reply to this message both the Senate and the House passed "addresses" to the President approving the action in convening Congress "on this momentous occasion."

James Madison, May 22, 1809, convened Congress in special session, the "critical state of our foreign relations" being the occasion. War was threatened with both France and England, whose outrages on our seamen, depredations on our commerce, and contemptuous disregard for our rights were continually augmenting.

The War of 1812 with Great Britain made it necessary for President Madison to again call Congress in special session May 25, 1813, for the purpose of strengthening our Army and Navy and providing a revenue to meet the extraordinary demands of a conflict with the most powerful nation in the world.

Martin Van Buren, September 4, 1837, issued a proclamation convening Congress in extraordinary session, stating that "great and weighty matters claiming the consideration of the Congress of the United States form an extraordinary occasion for convening them." The suspension of specie payment by the banks and the panic which ensued made it necessary to provide for these "unexpected exigencies," which were "indispensably necessary to the public service before the regular period of your meeting."

William Henry Harrison, March 17, 1841, issued a proclamation calling Congress together May 31, 1841, to consider "sundry important and weighty matters, principally growing out of the conditions of the revenue and finances of the country."

President Harrison did not live until the date when Congress was to convene. He died April 4, 1841.

President Tyler, who succeeded to the Presidency, in his special-session message said he did not feel it would be becoming to him to disturb what had been ordered by his predecessor, and was "most happy" to have the counsel and advice of Congress "as to the best mode of extricating the Government and the country from the embarrassments weighing heavily on both."

Franklin Pierce, August, 1856, called Congress together, his proclamation stating:

Whereas whilst hostilities exist with various Indian tribes on the remote frontiers of the United States, and whilst in other respects the public peace is seriously threatened, Congress has adjourned without granting the necessary supplies for the Army, depriving the Executive of the power to perform his duty in relation to the common defense and security, an extraordinary occasion has thus arisen for assembling the two Houses of Congress.

Abraham Lincoln, July 4, 1861, convened Congress in extraordinary session. The Southern States had seceded, Sumter had been fired upon, war was then in progress, armies were in the field, a blockade had been ordered, and the President called upon Congress to give him "the legal means for making the contest a short and decisive one."

Rutherford B. Hayes, October 15, 1877, called Congress together because the preceding Congress had adjourned without making appropriations for the Army, the Navy, and to defray the expenses of the United States courts.

Again, March 18, 1879, he called Congress together because the Forty-fifth Congress made no appropriations for the Army or for the legislative, executive, and judicial branches of the Government.

Grover Cleveland called a special session August 8, 1893, his message stating:

The existence of an alarming and extraordinary business situation, involving the welfare and prosperity of all our people, has constrained me to call together in extra session the people's Representatives in Congress.

It will be seen from this review that on only 10 occasions during the first century of the Republic had its Presidents exercised their power to convene Congress in extra session. War, foreign aggressions, widespread panic, or a failure to make the necessary appropriations to carry on the Government were the reasons assigned. There will be no contention that the existence of any of these conditions would not constitute an "extraordinary occasion" justifying the exercise of the Executive prerogative.

The few instances of the exercise of this power by our Presidents during the first century of our history, and the facts existing in each case clearly justifying the call, merit the language of Justice Miller in his lectures on the Constitution:

The power of the President to convene both Houses, or either of them, on extraordinary occasions has been rarely exercised, and certainly has not been abused during the history of the Government.

While the exercise of the power during these years is clearly justified in calling both Houses, it is by no means so clear with regard to the exercise of the power in calling one alone. No President has ever convened the lower House alone, but special sessions of the Senate have been frequently called from the beginning of our Government down to the present time. Washington called the Senate in special session four times, John Adams twice, and Jefferson, Madison, Monroe, John Quincy Adams, Jackson, Van Buren, Tyler, and Polk once each. Indeed, the practice has continued down to the present day.

The occasion for these calls for a special session of the Senate has been the necessity of action by the Senate in confirming the important appointments of the President. Especially does it appear necessary when an administration changes. The President assuming his duties March 4, and the regular session of the Senate not occurring until the following December, the executive department can not be fully organized without the appointment and confirmation of the Cabinet officers. Hence it has been the practice to call special sessions of the Senate for the purpose of securing these important confirmations. While the exercise of the Executive prerogative is not so clearly justified in these cases, it has been considered indispensable so long as the Constitution makes no provision for dealing otherwise with such exigencies. It has therefore never been questioned.

In later years we find a new practice with regard to the calling of both Houses established which constitutes in reality an entire abandonment of the "extraordinary occasion" requirement for the exercise of the power. Our later Presidents call Congress in special session whenever in their judgment any important reason exists for so doing. Thus, William McKinley, March 15, 1897, called Congress in special session. In his message he said:

Regretting the necessity which has required me to call you together, I feel that your assembling in extraordinary session is indispensable because of the condition in which we find the revenues of the Government. It is conceded that its current expenditures are greater than its receipts, and that such a condition has existed for now more than three years.

It was true that the revenues of the Government were not equal to the expenditures. Prior deficits had been met, however, by bond issues, which, while undesirable, were not sufficiently serious to constitute an extraordinary emergency. To have awaited from March until December would not have materially changed conditions or seriously injured the country. The bulk of the President's special session message, however, was devoted to a discussion of the tariff, and it was generally understood that Congress was called together for the purpose of revising the tariff.

It may well be doubted if tariff revision under any circumstances can constitute an "extraordinary occasion" within the meaning of the Constitution. When it is remembered that such

action is in response to a political rather than an essential or inherently justifiable demand, its wisdom as well as its constitutionality may fairly be questioned. It will hardly be contended that a seeming political advantage will justify the exercise of a doubtful constitutional power, and it may be safely assumed that no such exercise of power can in the long run help the party in whose supposed interest it is made.

The unwise precedent set by President McKinley was followed by Theodore Roosevelt November 9, 1903, who convened Congress in extraordinary session to "consider the legislation necessary to put into operation the commercial treaty with Cuba."

The treaty had been ratified by the Senate and by Cuba, but its reciprocal features contemplated legislation by Congress. In this case there was hardly a pretense that the occasion was "extraordinary." The President did not even allude to it as such. He merely desired early action and took this means of securing it on a pet measure of no general interest or particular importance.

It is unquestionably true that it is entirely within the power of the President to determine what is an "extraordinary occasion." Thus Watson on the Constitution (vol. 2, p. 1001), a late work, discussing the exercise of this power, says:

The term "extraordinary occasions" would imply that the framers of the Constitution thought that some urgent necessity might arise, when it would be necessary for Congress, or either branch thereof, to be called together, and they accordingly conferred upon the President the power to do so at such times. What is an extraordinary occasion is for the President to determine. A State constitution by a similar provision authorized the governor to call the State legislature together, and it was held that though the governor might err in doing so there was no power to prevent him or to correct the error. Another State constitution contained the exact language on this subject which is found in the Constitution of the United States—that is, it authorized the governor to call the legislature, or either branch thereof, together on "extraordinary occasions." The governor having exercised his authority and called the legislature together, it was claimed by a very large part of the people of the State that no "extraordinary occasion" existed, and that in consequence the call was invalid and the proposed legislation unnecessary. The court said the fact that a large majority of the people of the State might not consider that an "extraordinary occasion" existed, or that they believed that the legislation which it was proposed should be enacted was unnecessary, vicious, or injurious to the interests of the State, would not justify a court in declaring that the governor had violated his constitutional prerogative in calling the legislature together.

Whatever view may be taken as to the justification for calling Congress in extraordinary session in any given case, there is no way to legally contest it. The President is the sole judge as to what constitutes an extraordinary occasion, and his only restraint in the exercise of the power is moral. The determination of what is his duty under the Constitution he is sworn to support and obey ought to be a sufficient guide. If he shall determine to disregard his constitutional duty or to lightly treat its obligations, he has the power to do so, but it will not redound to his credit or to the credit of his administration.

William Howard Taft, March 16, 1909, convened Congress "in order to enable it to give immediate consideration to the revision of the Dingley Tariff Act." Conditions had so changed, he said, as to require a readjustment of rates. The revenues were not sufficient to pay the authorized expenditures, the successful party was pledged to revision, the country expected it, and the suspense as to the nature of the change caused a halt in business. "For these reasons I have deemed the present to be an extraordinary occasion within the meaning of the Constitution justifying and requiring the calling of an extra session."

It is perhaps needless to say that none of the matters stated as constituting an "extraordinary occasion," nor all of them together, justified the call. There was no emergency that under a fair interpretation demanded immediate legislation. There was no condition shown to exist which might not reasonably have been borne from March until December. It may fairly be stated that the revision of the tariff could have been better and more satisfactorily accomplished had the President allowed the matter to wait until the regular session. If there is any one subject of legislation that can and should await the opportunity for full consideration and calm deliberation it is a revision of the tariff.

President Taft again exercised his prerogative by assembling the Sixty-second Congress in special session April 4, 1911. His purpose was to secure the adoption of the proposed reciprocal trade agreement with Canada.

In concluding the negotiations—

He said—

the representatives of the two countries bound themselves to use their utmost efforts to bring about the tariff changes provided for in the agreement by concurrent legislation at Washington and Ottawa. I have felt it my duty, therefore, not to acquiesce in relegation of action until the opening of Congress in December, but to use my constitutional prerogative and convoke the Sixty-second Congress in extra session in order that there shall be no break in continuity in considering and acting upon this most important subject.

President Taft endeavored to secure the approval of this trade agreement by the Sixty-first Congress. It passed the House February 14, 1911, a majority of the Republicans voting against it. A determined opposition to the bill developed in the Senate, whereupon the President announced that if no action was taken on the bill before Congress came to an end, March 4, he would call a special session of the Sixty-second Congress to pass upon it. The statement, however, had no effect, and the Senate took no action. The special session was called and the President secured the passage of the reciprocity pact by the Sixty-second Congress, July 22, 1911.

No action was taken by Canada until July 29, when Laurier dissolved Parliament and appealed to the people. The vote in Canada was taken September 21 following, when the Conservatives won an almost unprecedented victory and secured a new Parliament overwhelmingly opposed to reciprocity.

It will be seen that there was no occasion for haste. It was apparent that the President thought the chance of passage in the United States was better early and that the influence of successful action here would be helpful in Canada. Such considerations were far from constituting a justification of the exercise of the power of calling an extraordinary session of Congress. The President might well have acquiesced in "relegation of action until the opening of Congress in December," and it would have been fully as wise to have allowed a "break of continuity" here as in Canada.

The country is now at peace. Our people are enjoying an unprecedented measure of prosperity. Business conditions are good. The largest crops ever produced have been harvested. There is more money on deposit in our banks than ever before. Our exports and imports are the largest ever recorded, and the balance of trade is strongly in our favor. Our revenues exceed our expenditures, and we have a surplus in the Treasury. It is vehemently declared that these conditions will and must continue. Nevertheless it is announced by the President elect that he will summon Congress early in the year in extraordinary session to revise the tariff. And this is to be done not because of any announced constitutional sanction but because his party associates demand it. Indeed, it is almost ludicrous to consider that the President in November announces that an "extraordinary occasion" will arise for the exercise of his constitutional prerogative the next March or April. In effect this is a determination that, no matter what conditions then may exist in the country, the political pressure of his party associates for tariff revision as a party policy, in fulfillment of party pledges, constitutes an "extraordinary occasion" within the contemplation of the Constitution for calling an extra session of Congress.

It cost the country in increased expenditures for the extra session of 1911 probably more than a quarter of a million dollars. For session employees of the House and Senate the cost was \$33,591.64. For mileage it was \$183,489.20. Other expenditures, such as increased amounts for stationery, materials, light, heat, and so forth, were incurred, the amount of which can not be readily ascertained. It is not probable that the contemplated extra session will cost less.

Have those who have advised the President elect that it would be good politics to call the extra session considered this feature? Are those Democrats who are pledged to rebuke the "mad extravagance" of the Republicans ready to stand responsible for this utterly needless expense? Is a quarter of a million dollars less in their consideration than the salary of a superfluous clerk? An opinion is somewhat generally entertained that the lavish and almost limitless expenditures for investigations, which have marked if not distinguished the history of the present House, were incurred more for party advantage than for justifiable ends. Will it be wise now to add this large additional expenditure whose only possible purpose is pure politics?

It will be claimed that this call of an extra session to revise the tariff is but the call of the people, to which faithful and obedient statesmen should immediately respond. But the people, or at least a large majority of them, do not want any such revision of the tariff as is promised by the Democratic Party.

It should begin to be understood by the leaders of that party that it was neither their principles or their candidate that caused their success. It was Republican division and not Democratic worth that brought about Republican defeat.

Of the three parties which really contended for the supremacy at the last election two declared unequivocally for the policy of protection. The other declared against it. A majority of over a million votes was cast for the parties which declared against a tariff for revenue revision. The popular vote for Mr. Wilson was 6,303,000; that for Mr. Taft was 3,439,000; and that for Mr. Roosevelt was 4,168,000. The combined vote for Mr. Taft and Mr. Roosevelt, or the total vote for protection,

was 7,608,000, a majority on the vote cast for protection as against tariff for revenue of 1,305,000. The vote of Mr. Wilson with the normal increase as measured by the increase of population should have been 6,931,000. Instead, it was 628,000 less, and 104,919 less than Mr. Bryan received in 1908.

In view of these facts there is little appearance of an imperious, unappeasable, immediately-to-be-answered demand for tariff revision. Indeed, when it is considered that the total vote of 1912 was only 155,000 larger than the vote for 1908, despite the fact that two new States had been admitted and suffrage to women had been granted in California and Washington, and that if the additional vote of those States be omitted, the total vote of 1912 was smaller than in 1908, notwithstanding the fact that during that period the population of the country had increased 8 per cent; if, in addition, it is remembered that the total vote cast at the last election, including the Socialist, Prohibition, and Socialist-Labor vote, was only 15,041,000, while the number of males of voting age in the United States was 26,999,000, it is apparent both that no great interest was taken in the demand for tariff revision, and that the less than one-quarter of our total voting population who demand such action ought reasonably to be satisfied if action be deferred until reached in the ordinary course of orderly procedure.

The only avowed purpose of the extra session is to revise the tariff. That the tariff needs revision may be freely admitted, but that surely can wait until the regular session. The country is at least not suffering under our present tariff. It may be too high in some of its items, but that will always be the case. It may be too low in some particulars, but such conditions will always exist. Under it as it now is we are prospering mightily. All admit the year just closed was the golden year of the Nation's progress and prosperity. We have ample revenue. There is no deficit. Business is sound. There is no panic. There is no sudden emergency calling for action; no "occasion" justifying the exercise of the "extraordinary" powers of the Government.

The President elect in his letter of acceptance said that as the business of the country had been built up on protective-tariff schedules "its foundations must not be too radically or too suddenly disturbed." Later during the campaign he said:

These changes can not be brought about suddenly. We can not arbitrarily turn right about face and pull our policy up by its roots and cast it aside while we plant another in virgin soil. A great industrial system has been built up in this country under the fosterage of the Government behind a wall of unproductive taxes. This change must be brought about first here, and then there, and then there again. We must move from step to step with as much prudence as resolution.

These words were fair words; they were wise words; they were words of moderation and wisdom. It will scarcely be contended that they were not honestly spoken. It can hardly be believed they were uttered for campaign purposes only; that they were only intended to allay alarm, to win confidence, to secure votes, and that the real purpose was something exactly opposite. And yet that is exactly the reproach the persons who have induced the President to call this extra session bring upon him. His words before the election promised moderation, deliberation, consideration. His act will belie all this and will do the very things he promised not to do.

One wonders if history is again to repeat itself. Grover Cleveland in his letter of acceptance said:

We will not destroy any industry; we will remodel the tariff; we will give lower duties; we will even the burdens of the people; and we will give freer raw material.

And yet when President he became the earnest advocate not of freer but of free raw materials, denounced the Wilson-Gorman law as "party perfidy and party dishonor," and refused to sign it, not because it was too radical but because it was not radical enough. Nevertheless, as it was, Senator Hoar declared in Congress that the experiment of radical tariff revision made under the Cleveland administration cost the people of this country more in dollars and cents than the entire cost of the Civil War.

What may be expected at the coming extra session in the present state of mind of the dominant leaders may be determined by the words of Mr. UNDERWOOD, leader of the majority, who is reported as saying recently, "The bills already passed by the House indicate the line of revision that will be followed." These bills put on the free list nearly \$6,000,000,000 of products now on the dutiable list. They greatly reduce the duty on \$9,000,000,000 more of our products. And these bills left many of the schedules untouched which it is now proposed shall be "revised."

Yet Mr. Wilson declares that they "do not want to disturb the industry of the country; we are here not to destroy." And yet with such an announced program of radical, revolutionary revision he yields to the pressure of politicians, whom he is unwilling or unable to resist.

The Springfield Republican refers to the past tariff activities of the present House as "more of a study in political jockeying than in tariff making." Political success seemed so desirable, so deliciously sweet, so rapturously blissful, that the end to be attained appeared to justify almost any means to secure it. But the hour of responsibility will end the pleasant pastime of jockeying, and the stage play, which both diverted and deceived, must cease when in the cold, clear light of open day the handling of elemental forces begins.

The coming administration holds in its hands four years of our country's history. It may write on its pages much good or much evil. To an extent that is not realized the policies of an administration affect the happiness of the people. It is sometimes lightly said that it makes little difference which party succeeds or who is elected, but that is a mistaken idea. In some manner every administration touches every citizen—the humblest as well as the highest. It reaches every hearthstone; it is felt in remotest regions. In the success of the coming administration every patriotic American citizen must be interested. For its success every one not blinded by partisanship or actuated by sinister motives must wish. Every wrong step, every mistake, every blunder hurts us all, and in the glory that may come from continued or increased progress and prosperity we can not help but share.

Extra sessions of Congress called for political purposes to serve party ends have never brought satisfaction to the Executive, credit to the administration, or benefit to the country. The proposed extra session will be no exception. Looking merely for party advantage, Republicans might view with complacency this first blunder of the new administration; but as Americans, with the best interests of the people at heart, it is difficult to see any possible good to our country in the proposed extra session of Congress.

Mr. PRINCE. Mr. Chairman, I now yield 15 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, when the Army appropriation bill was before the House last summer my colleagues on this side of the House and myself endeavored to point out the fact that unless the items for pay were increased there would positively be a deficit this year. Our prediction has come true. The chairman of the committee, the gentleman from Virginia [Mr. HAY], said in his statement that the deficit is due to the increase in the Army. It is true that the Army was increased, but the order for the increase was issued on the 30th of March, 1911, some months before the Army bill was finally passed; and the fact that the order for the increase had been made before the bill had passed was all the more reason why the amendments offered by my colleagues and myself should have been adopted. But the political campaign is over, and the present bill carries the amounts which the real necessities of the Army demand.

The bill of last summer carried considerable legislation. One of the provisions was for an increase of the enlistment period. In the San Francisco Chronicle, a few weeks ago, I noticed an article to the effect that there had been a considerable falling off in the number of enlistments at that point since the new law went into effect on the 1st of last November. Having read the item, I took occasion to find out just what that falling off might be. Of course, one can only make a comparison of the enlistments and reenlistments that occurred in the months of November and December of previous years.

I find that the total enlistments and reenlistments for 1910 was 6,331 during the months of November and December. The total enlistments and reenlistments during these two months in 1911 was 7,559. The total enlistments and reenlistments during the months of November and December, 1912, fell to the remarkably low figure of 3,677, or less than 50 per cent of what it had been during these two months in the year before. Again the predictions of the minority have come true. The long period of enlistment does not meet with the favor of the men who are likely to enlist in the Army. I firmly believe that it will become necessary by law to change the enlistment period.

Mr. HAY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HAY. The present period of enlistment is, under the law, seven years.

Mr. KAHN. Yes.

Mr. HAY. Three years of which are served in the reserves.

Mr. KAHN. Yes.

Mr. HAY. Is it not a fact that the Secretary of War and the Chief of Staff insisted upon having that reserve feature, thereby adding the three years?

Mr. KAHN. The Secretary of War and the Chief of Staff did want a reserve period. Their preference was for a three-year enlistment period, with two years in the reserves; but

when it became evident that it was impossible to secure a three-year enlistment period, then they advocated the four-year period, which a majority of the conferees had agreed upon, plus three years in the reserves. During the summer I had occasion to speak with many of the enlisted men regarding this matter of the enlistment period, and I found that practically all of them preferred the short-enlistment period. Personally, I feel that many men should be allowed to retire from the Army at the end of the first year. I feel that where a man finds that he has no aptitude for the service he should be allowed to retire at the end of the first year, without being compelled to purchase his discharge. In that way the men who would have had a year's experience would go out into the body of the citizenship of the country with a friendly feeling toward the Army. I feel that if the call to the colors should come, a very large percentage of those men would respond in case they were required for actual service in the field.

Many of the desertions in the Army are due to the fact that young men who enlist, after they have been in the service a few months, become homesick and want to get out. If they felt that they could get an honorable discharge at the end of the year, I believe that very few of them would ever desert. They would practically all remain. A three-year term with two years in the reserves should be the longest in the Army, in my judgment. You would find that men would continue to enlist just as they had been enlisting before this increased term became the law. I hope, however, that the system which the law provided for will have a thorough test, and if it should develop that the falling off in the number of enlistments shall continue, then I hope that the Committee on Military Affairs will promptly bring in another bill to reduce the term of enlistment.

Mr. MURDOCK. What does the gentleman mean by a thorough test—what length of time?

Mr. KAHN. Oh, I should say a year. A year would undoubtedly develop the fact very thoroughly as to whether the present law is a success or not.

Mr. MURDOCK. Then if the present rate of diminution, which has developed in November and December, should continue for one year the gentleman would offer an amendment to cure that?

Mr. KAHN. I should introduce a bill.

Mr. MURDOCK. To reduce the term of service to one year?

Mr. KAHN. No; to three years; but I would have a proviso to give the soldier the privilege of taking an honorable discharge at the end of one year if he should desire to do so.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. HOBSON. I would ask the gentleman whether they have been able to find from the recruiting officers any cause that they can put their finger on? I will put the question in another way, and ask whether the fact that the soldier is to receive no compensation during the three years of reserve is not the reason for the falling off rather than the length of service? I want to say that I agree with the gentleman that it may be it is the length of enlistment that may have produced this falling off, but there is also the question there of three years of service in the reserves without compensation.

Mr. KAHN. I have not had information upon that point, and therefore I stated that I would give the present law an opportunity to work out its own salvation. If, after the end of the first year, it should develop that the enlistments still continue to fall off and that the reason for the falling off is the one suggested by the gentleman from Alabama [Mr. Hobson], then the correction should be made as to that. I will state that, having spoken on that subject with a number of enlisted men, I believe it is the long period of service that is responsible for the falling off.

Mr. Chairman, there are a number of matters contained in the bill of a year ago that should be given a thorough opportunity to be tried. There was a provision in the sections providing for a Quartermaster Corps that, I think, will develop a condition that ought to be carefully studied. Perhaps I should say that it will develop an improvement that ought to be worked out right through the Army. I refer to the matter of having one list with all the officers upon it, with rank upon that list from the date of their commission. There is a grievous complaint in the Army that officers frequently get promotions over their seniors, due to the branch of the service which the officer enters. For instance, one officer will graduate from West Point, say, in 1902. He goes into a certain branch of the service. Four or six years afterwards another officer will graduate from West Point who possibly will have been appointed from the same congressional district. That second officer goes into another branch of the service where promotions are much more rapid, and in the course of a few years he is a captain, while the man who graduated four or six years earlier is still a lieutenant. That

condition is bound to create dissatisfaction, and if the provision contained in the Army bill passed last summer, to place all officers in the Quartermaster Corps on one list, according to the date of their commission, shall work out satisfactorily, then I believe that a law should be passed so that we may place all of the officers in the various branches of the Army on one list. I am satisfied that a great deal of the dissatisfaction would be dissipated, and it would work to the advantage of the Army. The Navy has only one list, and a man can look forward with absolute certainty to his promotion from rank to rank. That is impossible in the Army to-day, and such a condition should not be allowed to prevail. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PRINCE. Mr. Chairman, I do not know of anybody else on this side of the House who desires to speak.

The CHAIRMAN. Does the gentleman from Virginia desire to use any more time?

Mr. HAY. I do not.

Mr. PRINCE. Then I do not.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1914.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The agreement was that there should be three hours of general debate, which, of course, does not bind the committee to use the time. Many Members went away on the supposition that there would be three hours of general debate, and I will ask the gentleman whether in the bill he knows of any controverted items that Members who perhaps are not present might wish to be heard upon?

Mr. HAY. I do not. The only item I heard about was the one concerning which the inquiry was made by the gentleman from South Dakota [Mr. Burke]. That is the only controverted item I know anything about. I do not know that there is any item in this bill that is opposed by any member of the committee.

Mr. MANN. I am not speaking of the members of the committee. It is their business to be here.

Mr. KAHN. The gentleman from South Dakota [Mr. Burke] told me in the cloakroom that when those items were reached in the bill he desired to call the attention of the committee to some abuses that he thought ought to be corrected, and I judged from what he said that he would offer some amendment.

Mr. HAY. That item will not be reached for some time, I will say to the gentleman.

Mr. MANN. Very well.

The Clerk read as follows:

OFFICE OF THE CHIEF OF STAFF.

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery, typewriters and exchange of same, office, toilet, and desk furniture, textbooks, books of reference, scientific and professional papers and periodicals, printing and binding, maps, police utensils, employment of temporary, technical, or special services, and for all other absolutely necessary expenses, including \$25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building, \$9,000.

Mr. HAY. Mr. Chairman, I offer the following amendment as a new paragraph.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, after line 8, insert the following as a new paragraph:

"That hereafter the President of the United States be, and is hereby, authorized to detail from the Army or Navy of the United States one officer, who shall serve as his personal aide, and who while so serving shall have the rank, pay, and allowances of a colonel of the Army."

Mr. PRINCE. Mr. Chairman, I reserve a point of order against that.

Mr. HAY. I will say to the gentleman from Illinois that this is offered upon the request of the President of the United States, and I would ask the Clerk to read the communication which I have received from the President.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, January 13, 1913.

HON. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. HAY: I write to urge upon you the introduction into the military appropriation bill of a provision for a personal aide to the President, to be detailed by him from officers of either the Army or the Navy, and to hold during such detail the rank and to receive the pay of a colonel of Infantry.

I do this after four years' experience, which makes me feel that a personal aide is necessary to the President, and that he should have the rank and pay of a colonel. This is the rank of aides to governors,

It is the rank of the aide of a full general in the Army, and as the President is the Chief Executive and the Commander in Chief of the Army and Navy, it would seem as if his aide ought to have equal rank and emolument.

I would not recommend it if my personal experience did not make me feel that such an aide is essential. It is true that the Engineer officer in charge of the public grounds and parks and, indeed, of the White House has the rank and pay of a colonel. In the old times it probably was given with the idea that he would serve as the personal aide of the President as well. But his duties are so many that, except at special social functions at the White House, it is impossible for him to be in attendance upon the President.

There is no law expressly authorizing a personal aide to the President, but my predecessors and I have exercised the power of the Commander in Chief to detail a captain or a major for the purpose. I think it would be better to have special authority on this subject, and, in the interest of my successor, to furnish him what I regard as needed assistance, I venture to send you this letter.

I have written a similar letter to Mr. MANN, leader of the opposition, with the hope that the provision may be treated in a nonpartisan spirit.

Sincerely, yours,

WM. H. TAFT.

Mr. SIMS. Mr. Chairman, has an amendment been offered to carry out the suggestion of the letter?

Mr. HAY. Yes; and the gentleman from Illinois [Mr. PRINCE] reserved a point of order.

Mr. SIMS. A point of order, then, is reserved?

Mr. PRINCE. It is reserved.

Mr. SIMS. If you decide to surrender it, I want an opportunity to make it.

Mr. HAY. I suggest that if you are going to make it that it be made now. There is no question that it is subject to a point of order.

Mr. SIMS. I understand from the letter that the Superintendent of Public Buildings and Grounds does act as aide to the President, with rank of colonel.

Mr. HAY. It states just the opposite, namely, that the duties of the Superintendent of Public Buildings and Grounds in the city are such that it is not possible for him now to so act, and that heretofore the President and other Presidents have exercised their right as Commander in Chief of the Army to detail some person to act as their personal aide, generally a captain. The object of this amendment is to authorize the President to detail an officer of the Army or Navy, and while such officer is serving as personal aide he shall receive the rank, pay, and allowances of a colonel.

Mr. MURDOCK. May I ask the gentleman what the duties of the military aide of the President are, as a fact?

Mr. HAY. The gentleman from Kansas knows them as well as I do.

Mr. MURDOCK. I will say to the gentleman that all I ever see of him is at the presidential receptions. What are his duties outside of that?

Mr. HAY. His duties are greater than that. He travels with the President, he meets many people for the President, and he is constantly in attendance on him, and his duties, in my judgment, are very onerous.

Mr. MURDOCK. Does the military aide, as a matter of fact, have daily duties?

Mr. HAY. Undoubtedly; yes.

Mr. MURDOCK. What are his duties at the White House?

Mr. HAY. He is there at the call of the President to perform any duty which the President chooses to impose upon him. He has to be there, as I understand it, all the time.

Mr. SIMS. Let me ask the gentleman this question: At present he does detail an officer of the rank of captain?

Mr. HAY. I think the present aide has the rank of major.

Mr. SIMS. And pay of major?

Mr. HAY. I think the present aide is a major in the Medical Corps.

Mr. SIMS. Is it the idea that a major, when serving as an aide, should have higher pay than when serving with his command?

Mr. HAY. That is the purpose of the amendment, namely, to give him the rank, pay, and allowances of a colonel.

Mr. SIMS. Is the service so much more onerous than it would be when serving in his regular position that he should receive extra pay? Is that the ground on which this is based?

Mr. HAY. The President informed me that the expenses of a man in that position were very much increased by reason of the position, and he thought he ought to have this increase of pay.

Mr. SIMS. On account of the social functions he has to attend? I remember that Col. Bingham used to introduce visitors and people attending the White House receptions to the President.

Mr. HAY. It may be that the Superintendent of Public Buildings and Grounds does that now. That is a very small part. You will remember that Maj. Butt, whom we all remember pleasantly and whose unfortunate end we lament, was the

military aide of the President, and I happen to know that he was constantly on duty, and, occupying the position he did in relation to the President, he had a great many more expenses probably and had to live in a manner which he certainly would not otherwise have had to do.

Mr. SIMS. Does the gentleman from Virginia [Mr. HAY], the chairman of this committee, personally think, as a matter of personal judgment, that this ought to be a law? Is the gentleman acting as a matter of courtesy or upon his own judgment?

Mr. HAY. I am acting upon the request and information and experience of the President, who thinks this ought to be done; and he places it also upon the further ground that if every governor has a personal aide with the rank of colonel, that if a general of the Army has a personal aide with the rank of colonel, the Chief Executive of the country ought at least to have an aide with the same rank as that of a governor of a State or a general of the Army. Now, personally I know nothing about it. The President states in his letter that he does not expect to receive any benefit from this himself, but that he is doing it in the interest of his successor.

Mr. SIMS. I want to say to the chairman of this committee, in whom I have great confidence, that I have never yet made a point of order on an amendment that he offered, and if he approves of this I will make no point of order against it, but will rely on the gentleman exclusively if he is confident that he is correct in this matter.

Mr. HAY. I am relying on the information I have received, and I think that information is entitled to still more consideration when it is remembered that the amendment will cost very little; and if it is any satisfaction to the President to have a man with the rank of colonel as his aide I think Congress ought not to withhold it.

Mr. COVINGTON. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. HAY. Certainly.

Mr. COVINGTON. The President is Commander in Chief of the Army, is he not?

Mr. HAY. Yes; he is.

Mr. COVINGTON. Does not the gentleman believe that if the President desires to have as his personal aide an officer with the rank of colonel he can find somewhere among the colonels in the Army a man who might be of such a personal character as to perform most efficiently and satisfactorily such service as may be required of him as aide to the President?

Mr. HAY. Yes; and if he did it he would have the pay and the emoluments and allowances of a colonel. If you restrict him to the selection of a man with the rank of colonel, he could not select the officer he desires from any other rank, but would have to select a colonel. I do not think it would be wise to select a colonel, who ought to be in command of his regiment, and it would be a pretty bad precedent to set to take a colonel away from his command and bring him here to the White House to be the personal aide of the President.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HAY. Yes.

Mr. SLAYDEN. I would like to ask the gentleman from Maryland [Mr. COVINGTON], with the permission of the committee, whether it would not be satisfactory to provide that the person to be selected for this position should not be below the grade of major or lieutenant colonel?

Mr. COVINGTON. I do not see why you should discriminate against captains and lieutenants if you want to select an aide below the rank of colonel.

Mr. SLAYDEN. I think there is a reason. I think the captains are of vastly more use and benefit with their companies, to be frank with the gentleman.

Mr. COVINGTON. Then the gentleman thinks that the colonel is of great use to the Army in the command of his regiment, and that the captain is of great use to the Army in command of his company, but that the major, coming in between the two, is of doubtful use to anybody?

Mr. HAY. Mr. Chairman, I do not think the President ought to be restricted in the right to name any person he pleases in the Army to serve as his personal aide. I believe that under the Constitution he has the power, as Commander in Chief of the Army, to detail anybody he pleases for that purpose unless restricted by law. The only question here is whether you will give that man the rank and pay and allowances of a colonel.

Mr. COVINGTON. Mr. Chairman, if the gentleman will permit a question, I would like to ask if it is not a fact that at the present time these appointments at the White House, as they are commonly termed, are greatly sought by Army officers?

Mr. HAY. I think that is so; indeed, I know it is so.

Mr. COVINGTON. And that, even with only the pay of their rank, the peculiar attractiveness of service at the White House makes appointments as aides to the President peculiarly sought after by certain officers of the Army in grades as low as captain and lieutenant?

Mr. HAY. Yes; by certain officers of the Army. There are certain officers who are very anxious to receive such assignments.

Mr. COVINGTON. Under the present conditions, then, the President has no difficulty in procuring a suitable officer as his personal aide?

Mr. HAY. No; there is no difficulty. The only question here is whether or not the person selected is going to receive the rank, pay, and allowances of a colonel.

Mr. PRINCE. The question has been presented rather suddenly, and for that reason I reserve a point of order so as to get my memory to work. I have been told, whether correctly or not, that Mr. Lincoln got along with a civilian; that Gen. Grant got along with a civilian; that President Cleveland got along with civilians. I do not like this idea of having an Army officer act as the personal aide to the President, who is elected by the people. It smacks, to my western way of thinking, a little too much of flunkies. It may be all right. The people may approve of it, but I do not like it myself.

Now, the President is Commander in Chief of the Army and Navy, and if as Commander in Chief of the Army and Navy he wants to order them all to be around him in Washington, that is his right. But I am not going to be one, as a Member of this House, to consent by legislative enactment to an indorsement of that kind of work. For that reason I shall not only reserve a point of order, but will insist on the point of order.

The CHAIRMAN. Is the point of order insisted on?

Mr. HAY. Yes.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Contingencies Military Information Section, General Staff Corps: For contingent expenses of the Military Information Section, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad; and of the branch office of the Military Information Section at Manila, to be expended under the direction of the Secretary of War, \$10,000: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation, \$10,000.

Mr. FOWLER. Mr. Chairman, I desire to ask the chairman of the committee what force the figures "\$10,000" at the end of this paragraph have?

Mr. HAY. I was just going to move to amend by striking out those figures at the end of the proviso.

Mr. FOWLER. And put a period at the end of the word "appropriation"?

Mr. HAY. Yes.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. HAY. I move, Mr. Chairman, to strike out the figures "\$10,000" at the end of the proviso, and in place of the comma after the word "appropriation" put a period.

The CHAIRMAN. The Chair will place the two amendments together. The Clerk will read the amendment.

The Clerk read as follows:

Amend, page 2, line 20, by striking out the figures "\$10,000" at the end of the proviso, and in place of the comma after the word "appropriation" insert a period.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For contingent expenses of the Military Information Section, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, drafting and messenger service, and of the military attachés at the United States embassies and legations abroad, and of the branch office of the Military Information Section at Manila, to be expended under the direction of the Secretary of War, \$10,000: *Provided*, That hereafter sections 3648 and 3682, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals, nor to official or clerical compensation to be paid for from this appropriation.

Mr. HAY. Mr. Chairman, this is a duplication of the preceding paragraph, and was put in the bill by mistake, with the exception that section 3682 of the Revised Statutes shall not apply to subscriptions, and so on.

The second paragraph is the form in which the department desire this language to be inserted; but upon examination of section 3682, which they do not wish to have apply to this appropriation, I am satisfied that it ought not to be in the bill,

because out of this appropriation, if we repeal or suspend section 3682, they could pay both officers and clerks, and it never was intended that that should be done. Therefore I move to strike out that paragraph.

Mr. PRINCE. This is a duplication, is it not?

Mr. HAY. With the exception I have stated.

Mr. PRINCE. What is section 3682?

Mr. HAY. That section provides that contingencies shall not be used to pay officials or clerical employees.

Mr. PRINCE. Yes; I remember that.

Mr. HAY. If this exception is put in there, they can take from this appropriation money to pay clerks and officers in addition to what they already receive. I do not think that ought to be done.

Mr. PRINCE. You want to strike it all out?

Mr. HAY. Yes.

The CHAIRMAN. The Clerk is not very clear as to what the gentleman's amendment is.

Mr. HAY. I move to strike out the entire paragraph.

The amendment was agreed to.

The Clerk read as follows:

United States service schools: To provide means for the theoretical and practical instruction at the Staff College (including the Army School of the Line, Army Field Engineer School, and the Army Signal School) at Fort Leavenworth, Kans., the Mounted Service School at Fort Riley, Kans., and the School of Fire for Field Artillery at Fort Sill, Okla., by the purchase of textbooks, books of reference, scientific and professional papers, the purchase of modern instruments and material for theoretical and practical instruction, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interests of the military service, \$30,350.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee what was the occasion for increasing this item \$5,000 above that appropriated in the last session of Congress?

Mr. HAY. The increase was made because of increased expenditures at these various schools.

Mr. FOWLER. Was there any deficiency in the appropriation of the last session?

Mr. HAY. The appropriation last year was \$30,000, so that the increase is only \$350.

Mr. FOWLER. The appropriation last year was \$25,000, was it not?

Mr. HAY. I beg the gentleman's pardon, but if he will look at the last Army bill, under the head of "United States service schools," he will find that the appropriation was \$30,000.

Mr. FOWLER. If I made no mistake in making the comparison, it was \$25,000. I may have made a mistake. The comparison was made by an assistant.

Mr. HAY. I have the law here.

Mr. FOWLER. I take the gentleman's word for it. He states that the \$350 is the only increase.

Mr. HAY. The only increase is \$350.

Mr. FOWLER. Is there any deficit this year?

Mr. HAY. No; I think not. I am very sure there is not. The \$350 was added for the purpose of meeting some additional expenditures at one of these schools.

Mr. FOWLER. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

THE ADJUTANT GENERAL'S DEPARTMENT.

Contingencies, headquarters of military divisions and departments: For contingent expenses at the headquarters of the several military divisions and departments, including the Staff Corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, technical books of reference, professional and technical newspapers and periodicals, and police utensils, to be allotted by the Secretary of War, and to be expended in the discretion of the several military division and department commanders, \$7,500.

Mr. BURKE of South Dakota. I move to strike out the last word. I want to call the attention of the chairman to the words in line 2 of this paragraph:

The necessary articles of office.

Mr. Chairman, it seems to me this language is so general that there is no limit to the purchases which may be made under it.

Mr. KAHN. Necessary articles of office furniture.

Mr. BURKE of South Dakota. No; it says:

The necessary articles of office.

I am only speaking as to this particular item, because provisions of this kind creep into appropriation bills, and it generally results in advantage being taken of them and expenditures being made that Congress has not contemplated. For the purpose of ascertaining whether or not any money has been expended under this item that perhaps Congress did not intend to authorize, I have made some inquiry to ascertain how this amount was expended in the last appropriation bill, or for the fiscal year ending June 30 last.

If I understand the law, official envelopes have to be purchased through the Postmaster General under contract. The different bureaus are not permitted to purchase penalty envelopes for the use of their offices except through the Postmaster General under authority of law.

In this particular instance I find that an account was submitted for envelopes and stationery. The item in the particular concrete case that I am referring to is a small one—only \$58—and it was disallowed by the Treasury Department because it was not authorized by the language that I have referred to and because the law provides that official envelopes must be purchased under contract through the Postmaster General. The officer who incurred the expenditure stated that the envelopes and stationery were used for semiofficial correspondence and that it was desirable to have stationery that was a little more "classy"—that is the word used—than that furnished by the Government under the contract. The stationery was, it seems, in this instance embossed, \$13 of the amount being for embossing the stationery that was used. The Treasury Department disallowed the item, as I have stated, because they thought it was not authorized by law and because of the statement that it was not to be used entirely for official purposes. The matter went to the Comptroller, and the Comptroller decided that under the language I have called attention to in line 2 the expenditure was authorized by that language.

I am only mentioning this particular case to call the attention of the committee to the fact that we put language in appropriation bills that enables expenditures to be made that are not contemplated by the appropriation.

Mr. HAY. I will say to the gentleman from South Dakota that the language of the paragraph seems to me to justify the decision made by the first officer of the Treasury Department who passed upon it, and that the comptroller ought to have sustained his subordinate officer, because it says clearly, "necessary articles of office, toilet, and desk furniture." Surely embossed stationery is not a necessary article of office in the War Department or elsewhere, and I do not think the language of the paragraph is of such a character as to authorize the comptroller to permit an expenditure of that kind. I do not see how you could confine the language any closer than it now is. "Necessary" is a word well understood as applied to an office. I do not know how we could make the language any stronger so as to prohibit what the gentleman has pointed out as an abuse, and I agree with him it is an abuse and ought not to be allowed.

Mr. BURKE of South Dakota. Mr. Chairman, I withdraw my pro forma amendment.

Mr. MANN. I will ask the gentleman from South Dakota or the gentleman from Virginia whether they think it a terrible abuse to have embossed stationery, and whether both of them do not use it at the Government expense?

Mr. HAY. I say that embossed stationery for personal use is an abuse. Stationery that I have embossed is stationery which I use, and I suppose the gentleman from Illinois uses, in an official capacity.

Mr. MANN. All the stationery I get I use in an official capacity, in a private capacity, or any other capacity that I want to use stationery. I do not keep one bunch for official use and another bunch for other purposes. As a rule I do not use embossed stationery because I think there is no occasion for it. I notice, however, that nearly all Members of Congress do, and nearly all the heads of departments want it, and I think it ought to be abolished all through. But I wonder that gentlemen should criticize the department for buying \$50 worth of embossed stationery when they use it themselves.

Mr. BURKE of South Dakota. The law prohibits the purchase of envelopes except through the Postmaster General, and here are envelopes purchased out of the appropriation "Necessary expenses of office."

Mr. MANN. I am not seeking to review the decision of the Comptroller of the Treasury. It is quite safe to say to the gentleman from South Dakota that the law does not require the purchase of any envelopes through the Postmaster General unless they are penalty envelopes.

Mr. BURKE of South Dakota. It is contemplated that all the envelopes used by the department for the Government are being used for official business, and envelopes so used do bear the penalty stamp.

Mr. MANN. There are many envelopes used by the department for official business that are not penalty envelopes.

The Clerk read as follows:

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons and

airships, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, \$375,000: *Provided, however*, That not more than \$125,000 of said amount shall be used for the purchase, maintenance, operation, and repair of airships and other aerial machines: *Provided further*, That from and after the passage and approval of this act the pay and allowances that are now or may be hereafter fixed by law for officers of the Regular Army shall be increased 50 per cent for such officers as are now or may be hereafter detailed by the Secretary of War on aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-aircraft, and while so detailed, as provided in section 1: *Provided further*, That no more than 30 officers shall be detailed to the aviation service: *Provided further*, That paragraph 2 of section 26 of an act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," shall not limit the tour of detail to aviation duty of officers below the grade of lieutenant colonel: *Provided further*, That nothing in this provision shall be construed to increase the total number of officers now in the Regular Army.

Mr. FOWLER. Mr. Chairman, I reserve a point of order to that paragraph.

Mr. HAY. I will say that a part of it, providing for aviation officers, is subject to a point of order.

Mr. FOWLER. I desire to make an inquiry concerning the expenditure of \$100,000 appropriated last year for aviation purposes. Has that amount been expended?

Mr. HAY. It either has been expended for the fiscal year or arrangements have been made to buy airships which will consume it all.

Mr. FOWLER. In the judgment of the military authorities, was that sufficient for making adequate preparations for airships?

Mr. HAY. It was not. The military authorities are asking a much larger appropriation than \$125,000 carried in the bill. I mean that they are in favor of it; they did not estimate for it; but they are in favor of expending more money on these airships.

Mr. FOWLER. The amount, you say, was not estimated by them. The increase to \$125,000 was the result of the deliberation of your committee?

Mr. HAY. I will say that heretofore in all bills that carried this item for some years it has been \$125,000; that has been set aside for the purchase and repair of airships; but last year, owing to some difficulty on the floor, that was reduced to \$100,000.

Mr. FOWLER. The bill for 1910 did not carry anything for aviation purposes, did it?

Mr. HAY. That is probably true; but I will say to the gentleman that the military authorities regard this airship proposition from a military standpoint as very important, and they regard the expenditure of \$125,000 as a mere bagatelle and not furnishing them with sufficient airships. The reason why they have not asked or estimated for more money is that owing to the size of the Signal Corps of the Army they have not officers enough to man the airships if we provide more than we are providing under this appropriation. They are asking that we shall increase the Signal Corps of the Army by 55 officers, in order that they may have men enough to provide a fleet of airships to operate with the Army.

Mr. FOWLER. Is that the reason you offer the additional 50 per cent for aviators, because of the insufficiency of aviators?

Mr. HAY. No; there is no lack of aviators.

Mr. FOWLER. Then I misunderstood the gentleman.

Mr. HAY. They can get aviators; these officers are not detailed to aviation duty unless they volunteer. The service is a very hazardous one and four officers of the United States Army have been killed in this service.

Mr. FOSTER. Will the gentleman yield?

Mr. FOWLER. I will.

Mr. FOSTER. I would like to ask the chairman if an officer loses his life in the discharge of his duty he is paid anything extra by the Government?

Mr. HAY. Not any more than if he was in any other service.

Mr. FOSTER. They get double pay, I understand.

Mr. HAY. No; they do not get double pay.

Mr. FOSTER. I thought the bill of last year provided for that.

Mr. HAY. That bill did not pass the Senate. They serve at the same pay as officers in the Infantry, the Cavalry, or any other branch of the service.

Mr. COX. Do their heirs or their family get any more by reason of losing their life in the aviation service?

Mr. HAY. They do not; but there is a provision providing that an officer or enlisted man can designate a beneficiary who shall receive six months' pay.

Mr. KAHN. Mr. Chairman, I desire to call to the attention of the chairman of the committee the words in lines 12 and 13, as provided in section 1.

Mr. HAY. If no point of order is made, we will perfect that.

Mr. FOWLER. I desire to know why the 50 per cent increase is offered as a reward to aviators. Is that because you can not get volunteer aviators to take charge of these airships?

Mr. HAY. No; the 50 per cent increase that we are proposing to give to these aviation officers is given to them because of the hazardous duties which they have to perform, and because the insurance companies refuse to insure them. When they undertake this duty, they carry their lives practically in their hands every time they go up into the air in one of these ships, and it has been thought that they should receive extra compensation. The House at the last session passed a bill, by unanimous consent, giving them an increase of 100 per cent instead of 50 per cent, as is carried in this bill. From my observation and from what I know of this service and from what I have learned in the hearings before the committee, I am satisfied it is nothing but an act of justice that these men who are employed in perfecting military aviation should receive larger pay than men who do not run the same risk.

Mr. FOWLER. I agree with the gentleman, but why does not the bill fix an outright salary for this grade of Army men?

Mr. HAY. We do—50 per cent.

Mr. FOWLER. Yes; but the gentleman says that the bill at the last session made it 100 per cent of the salary paid, and now it is only 50 per cent. What I am after in my interrogatory is, Why not fix a specific sum as a salary for these men, so that it may not be left to the caprice of the membership of the committee? I am using the word "caprice" with a great deal of reservation, not having any application to any committee whatever, but sometimes there is a caprice. Why not fix a sum so that it will be definite?

Mr. HAY. I will say to the gentleman that the paragraph does that very thing. It provides that hereafter the pay of these officers engaged in aviation duty shall be 50 per cent greater for such officers that are now or may hereafter be detailed to that duty. The officers detailed are generally second lieutenants and first lieutenants and captains, and you can not fix any certain amount for each individual; but by this language you simply add 50 per cent to their pay as a second or a first lieutenant or as a captain, as the case may be, and it would not be at the caprice of the committee every year to change it.

Mr. FOWLER. That is just what I was after. The gentleman's line of argument for the increase is because of the extra danger. You now limit this increase to those who are actual aviators. If that be the theory upon which the increase is to be based, why not give all of them the same salary, because undoubtedly every time one man goes up in the air his life is as much in danger as that of his superior in rank, so far as the salary is concerned.

Mr. HAY. That is very true, but I will say to the gentleman from Illinois that it is a principle of military discipline and of military law that the man of higher rank receives a higher pay than the man of lower rank.

Mr. FOWLER. Why not put all of the aviators as first lieutenants, then?

Mr. HAY. Because you might not be able to get a sufficient number of first lieutenants to volunteer for this service.

Mr. FOWLER. A provision could be made for that purpose.

Mr. HAY. Oh, yes; it could be made. Of course we could confine the aviators to the rank of first lieutenant. That could be done, but the question is whether it would be wise.

Mr. FOWLER. Does not the gentleman think that would be a wise provision?

Mr. HAY. I do not, because then you could not get a second lieutenant or a captain into this service.

Mr. FOWLER. Yes; you could do that. Whenever a man qualifies himself for an aviator, let him at once become a first lieutenant.

Mr. SLAYDEN. But suppose he was a captain.

Mr. FOWLER. By virtue of law you could make an aviator a first lieutenant as soon as he was inducted into the aviator business. He would then become a first lieutenant.

Mr. HAY. Of course, that would apply to the second lieutenant, but a captain would have already passed the rank of first lieutenant and it would not apply to him.

Mr. FOWLER. I agree with the gentleman that the danger ought to receive some consideration, and I am heartily in favor of this provision; but I am seeking to put the danger of one man on the same plane as the danger of another man, whether the rank of office be the same or not.

Mr. HAY. I understand the gentleman's purpose, and I will point out to him that in a war when a regiment goes into battle and all of the officers of the regiment and the enlisted men of the regiment are exposed to equal danger from the fire of the enemy, yet the colonel gets a larger pay than the lieutenant colonel, and so on down. This is so in all armies, and in the aviation corps. The man of higher rank, for the sake of discipline and for the purpose of maintaining the relative rank, always receives a higher pay than the man of lower rank.

Mr. FOWLER. I understand that full well; but you limit your increase to the man who is actually a flyer.

Mr. HAY. That is true.

Mr. FOWLER. A man who is a flyer ought not to be subordinated, in my opinion, so far as the question of danger is concerned. He ought to receive the same pay, although he might be a captain, as the man who is a second or a first lieutenant. I would be very glad to see the bill amended so that all aviators who are flyers might receive the salary of a first lieutenant, and that the increase might be made 50 per cent.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Certainly.

Mr. SLAYDEN. As a matter of fact, there are some gentlemen now in the aviation service, capable officers, doing good work, helping to develop that branch of the military service, who are captains. It would certainly be no temptation to them to take on extra hazard in that vocation if it involved a reduction in pay.

The captain would not like to be reduced to the rank of second lieutenant and get 50 per cent in addition to the pay of first lieutenant, when under the terms of this act he would be entitled to increase of pay with the rank of captain. The most active men in the Aviation Corps of the Army are second lieutenants, who are usually young and generally of lighter weight, and thereby better suited for this particular branch of the service. This measure has been thought out and is entirely satisfactory to the officers of the corps, and is less expensive to the Government than would be the gentleman's idea of creating a military grade to be conferred on everybody in the Aviation Corps engaged in that work.

Mr. FOWLER. It would emphasize the position, and it ought to be so on account of the danger, and there ought to be an increase of salary, on account of the danger. There ought not to be any distinction in grade. Where a man can take an airship through the air for Army service he certainly ought to receive the same pay that any man does who performs the same dangerous work.

Mr. SLAYDEN. He does receive the same relative increase of pay, and they are entirely satisfied with it, and the bill is a more economical one than would be the suggestion of the gentleman from Illinois, and when it provides what is satisfactory and is more economical to the people, and does not disturb the relative military rank, and does not create new military rank, I can see no reason for adopting the idea which the gentleman proposes.

Mr. FOWLER. I submit it is not in harmony with the plan of a superior in everything in the Army. There seems to be an idea in the Army that a superior must always be at the head of every department in the Army. But here is one department where, if a man goes into the air as the manager of an airship, he becomes the sole owner of it for that purpose, like a great pilot on a great vessel on a large body of water, when the ship or vessel is in his hands. Here the airship is in the hands of the flyer, or the manager, or the captain.

I do not, Mr. Chairman, desire to interpose a point of order, but I am very anxious that all men who take like risks in the air shall receive like pay. I withdraw the point of order.

Mr. SHARP. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 6, in line 8, substitute for the word "fifty" the words "one hundred."

Mr. SHARP. Mr. Chairman, I very much appreciate and approve the remarks of the very able chairman of this important committee, in so far as they pertain to the proper recognition of the aviation service of this country. I am very glad that not only the chairman but the entire Committee on Military Affairs have given this subject so much favorable consideration during the past two years. It was pointed out the other day in an objection to an amendment which I offered pertaining to establishing this service in the Post Office Department that the Army and the Navy were the proper places for the recognition of the aviation service. While I in part subscribe to that,

yet I answer that objection by the statement, and it is a very fortunate fact, that our country at present is not engaged in warfare. I hope it never will be, but we are constantly giving evidence of the need and the practicability of carrying mails by aeroplane or other air craft.

This subject of aviation appealed to me when I first learned what was being done by the late Prof. Langley, and which afterwards was successfully carried out by the Wright Bros. From that day to this I have been very greatly interested in all that pertains to aviation, and, as some of my colleagues on this floor know, have taken occasion at different times to advocate governmental aid and recognition to this coming means, not only of national defense and attack, but of transportation in every phase of that subject. I introduced a bill, after giving it some attention, with the thought to better recognize the services of these men who fly through the air and who every time they do so literally and actually take their lives in their hands. I arose a minute ago to answer, for the information of the gentleman from Illinois [Mr. FOSTER] a question as to what provision, if any, was made in the case of the sudden taking away of these hold experimenters. There is no provision whatever beyond that which applies in Army circles to give six months' pay in case of the death of an Army officer. And yet it is a well-known fact, as pointed out by the chairman of this committee, that because of the very vocation of these men who sail the air there is no life insurance company that will write them for a dollar, because aviation is by all odds the most hazardous vocation or undertaking to which men can devote themselves.

I introduced the bill referred to, in company with the gentleman from Georgia [Mr. HARDWICK]. We happened, by coincidence, neither of us knowing the intention or purpose of the other, to introduce bills about a year ago on the same day in the House, and they were referred to the Committee on Military Affairs. Those bills embrace similar features, but are not exactly the same.

My bill, I remember in particular, not only provided for a larger increase in the pay of these men, but also an increase in rank, and had in it a provision which I wish might be incorporated in this bill at this time, to give, instead of six months' pay in the case of the sudden taking away of these men while making actual flights, a whole year's pay. I think that would be fairer, more just, and equitable.

I am not, Mr. Chairman, going to enter into a lengthy discussion of this very important subject. I am very glad to say its importance is becoming more apparent before the House at every session. I want to say, while it was pointed out by my friend from Texas, Mr. SLAYDEN, that the Army officers were satisfied with this provision, that that statement ought to be qualified. They were satisfied, because at this time they thought it was the best proposition they could get; but from my talk with several of these gentlemen who have been engaged in this service for two or three years past, one of them having made more than 200 flights, every time taking his life in his hands, I am convinced that they believe they should have more of an increase than this bill provides. I must say to their praise and credit that there has not been a time in the last two years when these men could not have quit the service and received much better compensation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KENDALL. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio may proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHARP. I was told by one of these officers, who is the leading aviator in our service under the Signal Corps, that he had been offered time and time again by the men who conduct exhibition flights several times the salary that he is now getting as an officer in the United States Army. There has not been any question but that some of these spectacular aviators can command and have commanded from \$25,000 to \$30,000 at a single season. But none of those men was willing for a single moment, at the inducement of any financial consideration, to leave the service of the flag that they had sworn to protect. They are in the service to-day, and they expect to live and die in that service.

In appealing to this House for an increase of recognition in their behalf, I am doing that which has already been granted to men in like service in European countries. Why, to draw a comparison between what we have done and what France, Germany, and England have done, not only in providing for their national defense, but also for the promotion of this entire field of aviation, would be like comparing the strength of a child with that of a giant. In popular subscriptions they have raised

millions of dollars over there for the advancement of this science of aviation, and in continental Europe a man is considered a hero and almost a martyr, I might say, who enlists under this particular service, involving so much of danger.

I stated recently upon the floor here, that it is one of the most encouraging signs of recent legislation or proposed legislation that this House has now—thanks to the gentleman who is chairman and his colleagues of this committee, and also to the Committee on Naval Affairs—come to recognize the growing and urgent importance of this line of research. The President of the United States within the last two weeks has appointed a commission of most distinguished personnel, consisting of noted scientific men, who have given several years of thought to this particular line, in order that they may recommend the establishment, according to the best known plans, of an aerodynamic laboratory.

We all know how, nearly a quarter of a century ago, M. Eiffel, the distinguished Frenchman, astounded the world and won its admiration by the construction of a sky-piercing tower in Paris. It is standing there intact to-day and is still the highest of all monuments. It is this mechanician Eiffel in the ripening years of his old age—and he is a man now upward of 80 years of age and is still a devotee to the sciences—who has erected one of the most magnificent temples to this science of aviation by the building of a great aerodynamic laboratory.

These are the things which are the forerunners of what we must have here if we would intelligently master its problems. I think that not alone is my amendment of importance in giving to these men a better recognition for their services, but above all else the chief value of such an amendment is to serve notice upon those men who would enlist under the Signal Corps that Congress, the representative legislative body of the Government, is back of the work with its encouragement.

A question was asked a moment ago as to whether there was any difficulty in recruiting this service, whether there was any difficulty in getting a sufficient number of men willing to volunteer in this hazardous work. I want to say—and it is to the credit of the American youth and to those who want to distinguish themselves not only in the Army but also in scientific exploitation—that we always have a liberal supply of volunteers, away beyond the number that our present law will accommodate, owing to the restricted size of the Signal Corps. Until the provision was made in this or a former bill, I think only seven men were detailed to that particular service. I do not recall whether this bill now provides for 30 or 40. Which is correct, Mr. Chairman?

Mr. HAY. Thirty.

Mr. SHARP. The bill provides for 30. Gen. Allen, of the Signal Corps, who has given much time during the last few years to this splendid subject of aviation, has done more than any other one man in the Government to bring it to fruition. He is a man of unerring vision—one whose chief monument, if I mistake not, shall in the years to come be the evolution brought about by the successful navigation of the air as it affects alike the problems of warfare, transportation, and scientific research.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHARP. Mr. Chairman, I ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HARDWICK. Mr. Chairman, I earnestly hope that the committee will adopt the amendment. In doing so, if the committee sees fit to do it, we shall only be standing by our own record.

Last July this House, by a unanimous vote, passed a bill, which I had the honor to introduce, giving a 100 per cent increase. That bill was reported with the unanimous support of the Committee on Military Affairs on this floor, and it had the approval of the department. In the Senate some objection was raised—

Mr. MANN. I do not think it had the approval of the department.

Mr. HARDWICK. I think I am right. The chairman will correct me if I am wrong.

Mr. HAY. I will state to the gentleman that I understood the department to recommend a 50 per cent increase.

Mr. HARDWICK. I am in error, then, in that one particular. I know that every other detail of the bill had the approval of the department, and I thought they had agreed to the 100 per cent increase. However, this House, without a dissenting vote, put in a 100 per cent increase last July. There is no reason why we should modify our position.

Mr. MURDOCK. What was the objection in the Senate?

Mr. HAY. They objected to the size of the increase.

Mr. HARDWICK. They did not want 100 per cent increase. They wanted, I think, some increases to other branches of the Signal Corps. I am not familiar with all the details. They wanted to apply the same sort of increase to some other branches of the Signal Corps and they did not want to put this higher than the others. But, gentlemen of the committee, it seems to me this amendment of the gentleman from Ohio [Mr. SHARP] is absolutely right, and that we ought to enact it.

To-day this country is behind, is woefully behind, every other civilized country on earth, every other great power on earth, in this great matter of aviation. While I join with my friend from Ohio [Mr. SHARP] in congratulating the able chairman of this committee and the other members of the committee for the splendid progress that we are making, and upon the fact that we have apparently awakened at last to the necessity of doing something in this matter, the step we propose to-day is only a very short step in the right direction. Gentlemen, these officers can not even get life insurance. The percentage of mortality here and abroad is simply frightful among the men engaged in this work.

Mr. MONDELL. Can a soldier ordinarily get life insurance?

Mr. HARDWICK. This is the only branch of the service under the War Department in which the officers are unable to obtain life insurance, according to the testimony.

Mr. MONDELL. Then insurance companies do not consider ordinary warfare as particularly dangerous?

Mr. HARDWICK. They do not insure any of them in time of war, but these men can not get insurance even in time of peace.

Mr. MONDELL. I understand that it is difficult.

Mr. HARDWICK. They can not get it at all, I think. All the best life insurance companies refuse it.

Mr. GREENE of Vermont. Mr. Chairman, I do not know what may be the practice of insurance companies now, as I am not particularly informed about it, but I know from my own personal experience that they do insure in time of war, or did during the Spanish War.

Mr. HARDWICK. The gentleman means that life insurance companies insured officers?

Mr. GREENE of Vermont. Yes.

Mr. SLAYDEN. The Spanish War was not regarded as very dangerous.

Mr. HARDWICK. If my friend from Wyoming [Mr. MONDELL] wants real information, I will say to him that no matter what they do about other Army officers in time of war, they will not insure the officers in this aviation corps even in time of peace. The mortality among them is frightful. The rate of pay even at the 100 per cent increase proposed by the gentleman from Ohio [Mr. SHARP], and that this House unanimously adopted a few months ago, is not equal to what it is in any other great country on earth.

Mr. ANTHONY. Will the gentleman state what the rate of mortality is—how many deaths have occurred in our service?

Mr. HARDWICK. The chairman of the committee can state.

Mr. HAY. Four officers, and I think about 12 in all have been detailed to this duty.

Mr. HARDWICK. That would be 33½ per cent. Anyhow, I know the mortality is perfectly frightful, and I do think that even with double pay these men are underpaid, as my friend from Ohio [Mr. SHARP] has said; and as numbers of these officers have told me in person, and as they have stated before your committee, any one of them could make many times more just as a matter of speculation if he would go into commercial aviation.

Mr. SHARP. Double pay, as the language states, only applies while the officer is in actual duty.

Mr. HARDWICK. It is only when they are actually engaged in aviation for the Government. If they were engaged in aviation as a private enterprise, taking exactly the same chances, no more and no less, they would get many times more than they will even with an increase of 100 per cent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDWICK. I would like two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. HARDWICK. I earnestly urge that we adopt this amendment. If we can not get it through the Senate at 100 per cent, if we have to accept some compromise later, it will be time enough to do so then, but I do think we ought to make a stand here to-day for a 100 per cent increase, just as we did last July, and take the matter into conference at least.

Mr. SLAYDEN. Mr. Chairman, I voted for the 100 per cent increase of pay last year. I did so under the impression that

it was not excessive, and I do not know that it is excessive. I have been interested in this legislation, and in a humble way I have cooperated to bring it about. I have conferred with the authorities; I have conferred with a gentleman connected with the Signal Corps who is jealous of the honor and rights of that corps and who wants to do what he can to promote it reasonably. This measure came to us as the recommendation of the War Department. I have also conferred with gentlemen who have been detailed to duty as aviators. They have expressed themselves to me as being satisfied with the proposed legislation and have said they would be glad to see it enacted. Naturally they would be glad to get still more money if possible, but they are entirely content to have this legislation go through.

Mr. SHARP. I want to say that Capt. Paul Beck, who is one of the leading aviators, and I think outside of Capt. Chandler the leading aviator in our service, with whom I have had many conversations, and who has made 250 flights in different parts of the country, says they should have at least 100 per cent increase. He thought they ought to have an increase in rank; but when we came before this committee and had our hearings we became satisfied that that would create embarrassment, if not dissension, in changing the rank, so it was confined purely to a question of compensation. That is my understanding of it from the aviators themselves.

Mr. HARDWICK. If the gentleman will permit, I think the position taken by these officers detailed as aviators is very disinterested and patriotic. They would not interfere with this legislation. They would rather have the legislation for the improvement of the service, even if they could get nothing in the way of increased pay. But the gentleman does not mean to leave them in the attitude of saying that a 50 per cent increase is perfectly satisfactory to them, I am sure.

Mr. SLAYDEN. I have talked with some of them who told me that they would be glad to have this legislation, and that it would be satisfactory.

Mr. HARDWICK. Only 50 per cent?

Mr. SLAYDEN. On the 50 per cent proposition; yes. I do not know what caused them to reach that conclusion, whether they were afraid that they would have to go on serving, as they do now under detail to that duty, without additional pay. That would be looking behind their statements and trying to dig up the reasons that induced them to come to that conclusion. Naturally, as I said a moment ago, they would like more pay.

Mr. PRINCE. Mr. Chairman, the Committee on Military Affairs have done the best they could under all the circumstances toward these aviators. We have recommended—

That from and after the passage and approval of this act the pay and allowances that are now or may be hereafter fixed by law for officers of the Regular Army shall be increased 50 per cent for such officers as are now or may be hereafter detailed by the Secretary of War on aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-air craft, and while so detailed, as provided in section 1.

We worked this out as a workable proposition, although we may not have done all that ought to be done.

Mr. HARDWICK. Last July you worked it out on 100 per cent basis.

Mr. PRINCE. That is true, but that bill is not yet a law.

Mr. HARDWICK. But you have taken this bill and put it in the exact words of the other.

Mr. PRINCE. That may be, but we want to accomplish something. Those of us who have been here a number of years know that it is better to do something than to attempt to do something that you can not do. This is what we are trying to do, and that is to accomplish something for the material benefit of the men who are engaged in this hazardous enterprise under orders from superiors. The 100 per cent proposition has not passed the other body and has not been reported, as I understand, out of the committee. There may be plenty of time to do that, but it has not come yet. We are now as far as we can be in the future, and that is the present.

My friend from Ohio states that a distinguished aviator had made 250 flights and has met with no harm thus far.

Mr. SHARP. Will the gentleman permit me?

Mr. PRINCE. Certainly.

Mr. SHARP. During that time he states that he has had three or four narrow escapes, as narrow as a man is ever permitted to have and still live. He has fallen from 50 to 100 feet in height and wrecked his machines.

Mr. PRINCE. We want to do what is best and to take a step in the right direction. If later on it should be established that 100 per cent is the proper thing, we can do it by subsequent legislation. But under all the circumstances, I think the Committee of the Whole should stand by the committee in the bill, because it has presented to this House the best bill it believes can become effective in the form of law.

Mr. TOWNSEND. Will the gentleman yield?

Mr. PRINCE. Certainly.

Mr. TOWNSEND. Is it the gentleman's understanding that the increase of pay attaches to the service from the time the officer is detailed for aviation service, not necessarily that he shall become an actual flyer?

Mr. PRINCE. I rather think this language is clear.

Mr. TOWNSEND. It seems to say that when he is detailed, and then qualifies it. I should think it ought to apply to all of those who enter the service with the chance of being made flyers.

Mr. PRINCE. No; our purpose was as we have expressed it in the proviso:

Provided, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier than air craft and while so detailed, as provided in section 1.

There may be two or three officers detailed who may be mechanical experts just watching the machines, never flying, in fact, but studying and preparing themselves. They are in no more danger by reason of that detail than though they had not been detailed. The hazardous part in the whole detail is in actual flying. We seek to pay for the hazardous part, and pay the men who are the actual flyers.

Mr. MANN. Mr. Chairman, the item in reference to the purchase of airships was inserted in the Army bill several years ago on my motion, after the War Department had refused to make an estimate for it and the committee had failed to make any provision in the bill. I have consistently supported all such provisions since that time and the increase of the amount that might be appropriated for aviation. I think I may be considered a friend of aviation.

Mr. FOWLER. Will the gentleman yield?

Mr. MANN. I will.

Mr. FOWLER. Does the gentleman know when the War Department first made a recommendation for money to be set apart for aviation in the Army appropriation bill?

Mr. MANN. My recollection is that the first time it came in as an estimate was last year.

Mr. FOWLER. When was the first time that any amount was set apart for that purpose?

Mr. MANN. I think two years ago by the bill, but I may be mistaken.

Mr. FOWLER. I see in the law of June, 1910, no money was set apart for that purpose.

Mr. MANN. I think that is correct. I think it was two years ago that the Signal Service asked for an estimate. The Secretary of War did not make an estimate, and hence it was not transmitted to Congress.

Now, I remember that when the bill passed at the last session it went through by unanimous consent, although I stated then that I thought 50 per cent was enough of an increase for the interests of the aviation service, which to me is the controlling feature.

If I had supposed this morning that the proposition was to be presented to the House to make this 100 per cent, I should have made a point of order on the paragraph. For this reason, while this proposition is supposed to be confined to actual flyers of airships, still we all know as a matter of fact that anyone can qualify under that in a few minutes time and without any danger at all. A man can become an actual flyer of a machine without getting more than 4 feet from the ground. All of them who are detailed will probably become actual flyers of machines. I take it that the purpose of the Government now is largely to educate officers who may be able to handle flying machines in time of need in addition to the experimentation with flying machines.

If you make it too much of an object for a man to remain in the aviation detail it will be very difficult to dislodge him from it. They go there practically by their own consent.

Mr. KAHN. Will the gentleman yield?

Mr. MANN. I will.

Mr. KAHN. The Chief of the Signal Corps stated before the committee that men do withdraw from the aviation force after they have learned to fly.

Mr. MANN. They do now because they do not get any extra pay, but the purpose of this scheme is to educate men to handle the flying machines. In time of war we can increase the number of flying machines very rapidly. We want men who understand how to handle them.

Mr. SHARP. Will the gentleman allow an interruption?

Mr. MANN. Certainly.

Mr. SHARP. The proof of the pudding is in the eating, and it applies to the illustration I may give. In the countries where aviation has made the most advancement and where they have come to the front rank, they have pursued a different policy from what the gentleman outlines. They give the aviators two

or three times the amount of salary that they would otherwise give.

Mr. MANN. While that is true, Mr. Chairman, it is also true—and I have just received the figures from the Navy and War Departments to substantiate it—that we pay more for our small Army and Navy than any other nation in the world pays for their large ones. We pay for our Army, to our officers and enlisted men, many times the compensation that Germany pays to her immense army.

So it can not be said that they are not fairly well paid; but it is not desirable when an officer is detailed to this aviation service, not often flying a machine but still receiving the extra pay, to make it so large that he wants to stay there forever and become the envy of every other officer in the field. You can not give officers extra pay without the desire on the part of other men to get the extra pay, unless there really is extra-hazardous service. I have always supposed that one reason that the Army and Navy were fairly well paid and provided with pensions in case of injury, pensions to their widows in case of death, and retired pay in case of injury, was that the whole undertaking was hazardous. My understanding of the Army is that an Army officer takes the risk of being injured. That is what he goes into the service for. That is the whole theory of the Government's treatment of him. While I think it is perfectly proper to give some extra attention to these aviation officers, yet to double their pay is only to excite discontent among all the rest of the Army officers and to do more injury to the Army in the end than good.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. SHARP. I ask the question purely for information and not to challenge the accuracy of the gentleman's statement. Has that been the experience in the Ordnance Department, where, recognizing the extra hazard of that department, the Government has uniformly increased the pay of the men in that service, as I understand it?

Mr. HAY. Oh, no.

Mr. MANN. How much is the increase, I will ask the gentleman?

Mr. SHARP. I do not know what it is.

Mr. MANN. I never heard of it before.

Mr. HAY. The Ordnance officers do not get any more than any other officer.

Mr. SHARP. Then I have been misinformed.

Mr. MANN. On the contrary, the House at the last session cut off, in part at least, the extra pay for foreign duty, because a good many officers were seeking foreign duty to get the extra pay, which was only 10 per cent. I thought it was worth that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. SHARP) there were—ayes 8, noes 37.

So the amendment was rejected.

Mr. KAHN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 6, lines 12 and 13, strike out the words "as provided in section 1."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. ANTHONY. Mr. Chairman, I offer the amendment that, in line 7, on page 6, after the word "officers," there be added the words "and enlisted men."

The Clerk read as follows:

Amend, page 6, line 7, by inserting after the word "officers" the words "and enlisted men."

Mr. ANTHONY. Also the same amendment after the word "officers" in lines 8 and 11.

Mr. MANN. Mr. Chairman, I reserve the point of order on those amendments.

Mr. ANTHONY. Mr. Chairman, I offer this amendment for the reason that while enlisted men are not now engaged in the work of actual flying, there is no reason why they should not be so used, and the encouragement should be held out to the enlisted men of the Army if they are used in this work, and they should be given the same advance in pay.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MANN. The purpose of this provision is to give extra pay because of the extreme hazard. Officers of the Army now receive at the very lowest rate \$125 a month, and that pay does not last very long. The enlisted man receives at the highest rate less than \$50 a month, unless he has been in the service a long while and has become old. Upon what theory does the gen-

tleman propose to say that you will add 50 per cent to the pay of officers for this service, thereby adding from seventy to one hundred and fifty or two hundred dollars a month, and add only seven or eight dollars a month to the pay of the enlisted man for exactly the same service?

Mr. ANTHONY. Mr. Chairman, I would say to the gentleman that there are unquestionably a number of noncommissioned officers who receive, as he says, from \$50 to \$60 a month. An increase of 50 per cent in their pay would be a very substantial increase.

Mr. MANN. But they are usually too old to go to work and operate flying machines.

Mr. ANTHONY. Oh, no; there are a number of young men, and I think every inducement should be held out to enlisted men to interest themselves in this service. I am not in harmony with the idea of the department that they should be excluded from it. If a young enlisted man is bright and capable and has a tendency toward this art, we ought to give him an opportunity.

Mr. MANN. Mr. Chairman, I would agree with the gentleman in this proposition: That the Army might well afford to employ the services of men for the special purpose of operating flying machines and pay them accordingly along the same grade. I should not be in favor of a proposition which will permit some Army officer getting 50 per cent more pay, amounting to a large sum of money, and having alongside of him an enlisted man who receives only \$25 a month, and ordering the enlisted man to start a flying machine and run it while he watched it. That would be the result.

Mr. KENDALL. That would be voluntary service.

Mr. MANN. Oh, no; it would not.

Mr. KENDALL. The private is not compelled to go into the service.

Mr. HAY. I would say that enlisted men as well as officers volunteer for this service.

Mr. MANN. But that is not the law.

Mr. HAY. That is not the law, but that is a regulation of the department.

Mr. MANN. That is now, but at present the enlisted men are not permitted to operate these flying machines.

Mr. HAY. I know they are not permitted to do so now, but they would not be required to operate them unless they volunteered for that service, in my judgment. There is no more reason why they should be required to do it than an officer should be required to do it.

Mr. MANN. Well, this is a new service. It will not be a long time that men will be taken simply because they volunteer, any more than in any other branch of the service. Men who are thought to have satisfactory qualifications will be put in this service.

Mr. HAY. I think it ought to be so.

Mr. MANN. I think it ought to be so.

Mr. HAY. Particularly if there is an increase in pay. The gentleman's argument is the same as that of his colleague [Mr. FOWLER]—that all these men ought to be placed on the same basis. The gentleman knows very well that in time of war an enlisted man is as much exposed to danger as an officer; but he does not get the same pay as the officer, and the only way you can increase the pay of enlisted men or officers there is to increase it upon the basis of the pay they are receiving. That is the only way you can do it, and I agree with my friend from Kansas [Mr. ANTHONY] that the enlisted man ought to be offered an inducement, as well as the officer.

Mr. BUTLER. Double his pay?

Mr. HAY. I have no objection to giving him a hundred per cent.

Mr. KENDALL. Will the gentleman permit an inquiry?

Mr. HAY. Yes.

Mr. KENDALL. What officers are permitted to volunteer for this service?

Mr. HAY. Any officer in the Army who is eligible.

Mr. KENDALL. Then, if the proposition of the gentleman from Kansas [Mr. ANTHONY] is regarded favorably, why not give a private while on that detail the same pay as an officer?

Mr. HAY. Because you would destroy military discipline. Why not give to the private soldier in battle the same pay as an officer?

Mr. KENDALL. I think there is too much discrepancy there.

Mr. HAY. The officer has responsibility, has the command, and has to do the thinking. The officer is placed in a position where he is not only exposed to danger, but he has all the responsibility that attaches to the service which he is performing, whereas the enlisted man simply obeys orders.

Mr. KENDALL. Well, an officer up in a flying machine has no more responsibility than a private in a flying machine.

Mr. HAY. The probability is the private would go up with the officer in the flying machine.

Mr. MANN. Mr. Chairman, I think the amendment is subject to a point of order. The proposition in the bill, of course, was subject to a point of order, and is subject, of course, to a germane amendment, and if this were a bill presented by itself I think the amendment offered by the gentleman from Kansas [Mr. ANTHONY] would be germane. But the rulings have been quite consistent in recent years that, although a proposition is subject to a point of order which is not made, that an amendment made to that, covering new matter, is itself subject to a point of order. At any rate, I make the point of order.

Mr. HAY. Mr. Chairman, I hardly think this is subject to a point of order. It is a clause in this bill referring to the aviation service, and referring to men in the Army detailed to perform that duty. And the enlisted man is as capable of performing the duty as an officer. Surely it seems to me to be germane to the object and purpose of the paragraph.

Mr. MANN. But the gentleman will admit that the item in the bill only relates to detail of officers.

Mr. HAY. Yes; but while it is true it only relates to detail of officers, and would have been subject to the point of order—the whole paragraph, if anybody had made it—it not having been made it is not now subject to the point of order.

Mr. MANN. It would be akin to this: Suppose a proposition were offered to add after the words "Army" and "Navy," so as to make it read "officers of the Army and Navy who would receive increased pay," I think that would be subject to a point of order. Because it is a new proposition, an enlargement of the original one, that was subject to a point of order, and while any amendment relating to officers would be in order, I do not think you could introduce under the guise of an amendment a new subject, although this was itself subject to a point of order.

The CHAIRMAN. Of course, in a large sense this matter might be considered germane. It relates to a military matter. But it strikes the Chair, however, that under the paragraph relating to officers of the Regular Army who may be detailed on aviation duty, an amendment providing for men who may be detailed for like duty is new legislation, and is a detail perfecting the paragraph in a germane way. The Chair sustains the point of order.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 7, after the word "Army," insert the words "Navy and Marine Corps."

Mr. FOSTER. Mr. Chairman, I make a point of order against that.

Mr. ROBERTS of Massachusetts. Will the gentleman reserve the point of order?

Mr. FOSTER. Yes; I reserve the point of order.

Mr. ROBERTS of Massachusetts. I will say to the gentleman from Illinois [Mr. FOSTER] that when the bill was up in the last session of Congress, and the clause relating to the Army aviators was under discussion, a similar amendment was offered and accepted, placing the aviators of the Navy on the same footing with those in the Army. If we are going to consider the matter of permanent law for the aviators in the military service of the Government, it would seem, while this is the Army bill, perfectly proper that we should recognize that the Navy is engaged in aviation, and that the hazards are as great for the naval officers, if not greater, than for the Army officers, and that they should be put on an equality. That is the purpose I have in offering this amendment at the present time. In view of that, I would like to ask the gentleman if he will not withdraw his point of order, and let us make one bite of the cherry instead of bringing the matter up in the naval bill?

Mr. FOSTER. Mr. Chairman, this being purely a bill for the support of the Army for the next fiscal year, it seems to me that it is hardly the proper thing to put on it certain things relating to the Navy, and I can not withdraw the point of order under the circumstances.

Mr. HAY. I understand the gentleman makes a point of order?

Mr. FOSTER. Yes. I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. HAY. Mr. Chairman, I move to strike out lines 23 and 24. They were put in inadvertently.

Mr. MANN. Of course, there is no question but that a point of order would take them out?

Mr. HAY. No.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. HAY].

The Clerk read as follows:

Amend, page 6, by striking out lines 23 and 24.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extension and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1915, from the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War, \$50,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman if he has convenient or at hand the information concerning the receipts and expenditures of this cable.

Mr. HAY. Yes; I have. I can give the gentleman the cash receipts from 1907 down to the last fiscal year.

Mr. MANN. I mean only for the last fiscal year.

Mr. HAY. Yes. For the last fiscal year the receipts were \$182,641.94. For the present fiscal year we have no figures as yet. They have not yet come in.

Mr. MANN. Are the receipts that the gentleman gives the gross receipts or the net receipts?

Mr. HAY. The gross receipts.

Mr. MANN. What was the cost of maintenance?

Mr. HAY. The cost of maintenance is difficult to ascertain, because it comes out of the item of \$375,000 for the Signal Corps, which we have just passed. Gen. Allen, the Chief Signal Officer, states that the average commercial receipts from 1907 to 1912 were \$198,000 and that they are not decreasing, but that in 1912 they were interrupted because of an earthquake, which destroyed part of the lines which were in use, and it took some two months to have them mended, and they lost the receipts that they were in the habit of receiving from that part of the line.

Mr. MANN. I am aware of the fact that this cable is a military necessity as yet. If we had information that would let us know whether it was maintained out of its commercial receipts it would be a matter of great interest.

Mr. HAY. It costs more than we receive from it. There is no question about that.

Mr. MANN. How much of it would be charged to military needs and how much of the maintenance is defrayed by the commercial receipts? I do not care about going into minute details.

Mr. HAY. I can not give the gentleman that information in figures, but I think the commercial receipts do not pay for this telegraph and cable system, and do not pay for it by a good deal. But the subject was pretty fully developed in the hearings of last year. If the gentleman desires, I will procure a copy for the gentleman and give him what the actual cost of it is.

Mr. MANN. What extensions are proposed? Are these land extensions or sea extensions?

Mr. HAY. As I understand, they do not propose this year any extension. This is altogether for the maintenance.

Mr. MANN. Betterments?

Mr. HAY. Yes.

Mr. MANN. This item is not for maintenance.

Mr. HAY. They have to maintain it, of course.

Mr. MANN. I think the maintenance is not paid for out of this item.

Mr. HAY. No. The maintenance is paid for out of the other items.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of officers of the line, \$7,710,800.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I see this item is for the pay of officers in line.

Mr. HAY. Of the line.

Mr. FOWLER. Yes; of the line. I discovered that in the bill of June last the appropriation was \$6,890,908, and that in June, 1910, the amount was \$7,000,000 even. What is the cause of the increase here of something near a million dollars over the appropriation of last year?

Mr. HAY. I will state to the gentleman that we did not appropriate money enough last year, and that is the cause of the increase.

Mr. FOWLER. Is there a deficiency in this item?

Mr. HAY. Yes; there is a deficiency in the item of pay of the Army which includes this item of \$2,500,000.

Mr. KAHN. Two million eight hundred thousand dollars.

Mr. HAY. Two million five hundred thousand dollars is what I understand.

Mr. FOWLER. I understand that there is a deficiency of \$2,800,000, but two years ago \$7,000,000 paid this item.

Mr. HAY. No; it did not. There was a deficiency two years ago of over a million dollars.

Mr. FOWLER. In this item?

Mr. HAY. In the item of pay of the Army. The gentleman will find that there is a provision at the end of these pay items providing that they shall all be disbursed as one fund, and these items have been very carefully worked out.

Mr. FOWLER. There has been no increase in the number of officers this year?

Mr. HAY. No; there has been no increase in the number of officers this year, but last year there was an increase in the surgeons in accordance with the bill passed several years ago, which provided that every year so many should be added. I will say to the gentleman that the Chief of the Quartermaster Corps has worked out this item very carefully, based on the number of officers in the Army. He has worked that out with great care, and that is the conclusion he has arrived at. I know he is very accurate.

Mr. FOWLER. Is the increase in the item following because of a deficiency also? That is length of service pay.

Mr. HAY. Yes.

Mr. FOWLER. That is the reason for the increase of both of these items?

Mr. HAY. Yes; and of every item in this pay part of the bill.

Mr. FOWLER. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MANN. Mr. Chairman, I could not hear distinctly, so that I could catch the colloquy which took place between my colleague and the gentleman from Virginia with reference to the pay of the officers of the line. I notice that there are several items there where there are considerable increases over last year. Is there any increase in the number of officers or the number of enlisted men to cause this?

Mr. HAY. There is an increase in the number of enlisted men, but not in the number of officers—that is, it is proposed by the present administration, as I understand it, to increase the number of enlisted men during the fiscal year beginning June 30, 1913. I do not think there is any increase in the number of officers.

Mr. MANN. Is there a deficiency estimate on these items?

Mr. HAY. There has been no deficiency estimate sent to Congress, but the Chief of the Quartermaster Corps informed the Committee on Military Affairs that there would be a deficiency—I understood him to say of \$2,500,000—in the pay department. It may be \$2,800,000.

Mr. MANN. Then the appropriation which was made last year was not sufficient?

Mr. HAY. No; it was not enough.

Mr. MANN. The gentleman will remember that there was considerable controversy in the House as to whether it would be enough.

Mr. HAY. I remember all about that, and I remember that the same controversy took place in the last session of the Sixty-first Congress, when I insisted that they would not have a sufficient amount, and it turned out that I was right, and there was a deficiency then.

Mr. MANN. Undoubtedly, and the gentleman with that experience ought to have provided against it last year. He ought to have gained wisdom by experience.

Mr. HAY. I do not deny that. We all live and learn.

Mr. MANN. There is no gentleman in the House who has more the confidence of the House than the gentleman from Virginia [Mr. HAY]. [Applause.] Of course, we all know that the decrease in the appropriation last year was a part of the game of politics which I believe the gentleman from Virginia entered into with great reluctance, and I doubt whether he will ever repeat it.

Mr. HAY. I will assure the gentleman that so far as I am concerned there will be no deficiency in the Army appropriation bill hereafter if I can prevent it.

The Clerk read as follows:

Additional pay for length of service, \$2,291,574.56: *Provided*, That hereafter no officer or enlisted man in active service, who shall be absent from duty on account of disease resulting from his own intemperance

use of drugs, or alcoholic liquors, or other misconduct, shall receive pay for the period of such absence from any part of the appropriation in this act for the pay of officers or enlisted men, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War.

Mr. MANN. I reserve a point of order on that paragraph.

Mr. HAY. I will state to the gentleman, if he desires an explanation of that proviso—

Mr. MANN. Does the gentleman think it is desirable to enact that into permanent law at this time?

Mr. HAY. The committee put that in the bill because it is not considered desirable to carry the proviso constantly in the bill each year, if it is advisable to make it permanent law.

Mr. MANN. I thought last year we had some sort of an understanding that we would try it and see how it worked before we made it permanent law.

Mr. HAY. The Surgeon General tells us it has operated very efficiently.

Mr. MANN. That may be, but it has been on trial only a very short time—a few months.

Mr. HAY. If the gentleman objects, I will move to strike out the word "hereafter," in line 23, page 7.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 23, page 7, strike out the word "hereafter."

The amendment was agreed to.

The Clerk read as follows:

Additional pay for length of service, \$83,000.

Mr. FOWLER. I move to strike out the last word. The quartermaster's department, the subsistence department, and the pay department were consolidated last year into the Quartermaster Corps.

Mr. HAY. Yes.

Mr. FOWLER. It was urged at that time that such a consolidation would result in a great saving, as I recollect, in the way of expenses.

Mr. HAY. Yes.

Mr. FOWLER. I have studied this bill in the best light I have. I would be glad to have the chairman of the committee point out some of the savings which have been made.

Mr. HAY. I will say to the gentleman that the savings that have been made have been made in the items of regular supplies, barracks and quarters, incidental expenses, subsistence of the Army, transportation, and so forth.

Now, the gentleman is evidently leading up to the question why it is that there are 407 quartermaster sergeants when only 200 were appropriated for last year. I will state to the gentleman that in last year's bill there were 207 commissary sergeants appropriated for, and these 207 commissary sergeants are now in the Quartermaster Corps. They, added to the 200 quartermaster sergeants appropriated for last year, make the 407, so that there is no increase at all on account of the consolidation. We have simply brought them under the Quartermaster Corps.

Mr. FOWLER. And there is no decrease by this consolidation?

Mr. HAY. Not in this particular item.

Mr. FOWLER. Is there any decrease in the service in this department or in the administration of the department?

Mr. HAY. Yes; the chief of the Quartermaster Corps stated in our hearings that the estimate for this bill, by reason of the consolidation, had been decreased in the department by \$2,750,000. In that one item alone there was a decrease of 43 clerks, who are not, however, carried in this bill, but are carried in the legislative bill. Their pay amounted to over \$50,000.

Mr. FOWLER. How much do you estimate has been saved by this consolidation?

Mr. HAY. On this bill?

Mr. FOWLER. Yes.

Mr. HAY. There has been a saving of \$2,750,000.

Mr. FOWLER. How much by this one consolidation?

Mr. HAY. A saving of \$2,750,000 on the estimates made by the War Department in this bill. Of course it does not save any pay except the 40 officers who will eventually be gotten rid of by that consolidation. The pay of the Army is one thing. The supplies of the Army are something else.

Mr. FOWLER. The distinguished chairman is certainly to be complimented because of his long vision in the make-up of the Army appropriation bill last year, and I congratulate him and his committee.

The Clerk read as follows:

For pay of 135 first-class sergeants, at \$540 each, \$72,900.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. The number of men cared for by the bill last session was 132. What is the necessity for the increase?

Mr. HAY. Mr. Chairman, the law authorizes the employment of 135 first-class sergeants.

Mr. FOWLER. Was that carried in the bill last session?

Mr. HAY. No; this session the department estimated for the three additional first-class sergeants. That is the information we had, and we thought that they ought to be given the three first-class sergeants.

Mr. FOWLER. You make an increase from 36 to 42 Signal Corps electricians in the paragraph just above. Is that because of the provisions of the law?

Mr. HAY. Yes; they are allowed that by law, and these estimates are on that basis.

Mr. FOWLER. I did not see the necessity of the increase and that is the reason I asked the question.

Mr. HAY. They said they had to have them.

Mr. FOWLER. And you took their word for it?

Mr. HAY. Yes.

Mr. FOWLER. I withdraw my pro forma amendment, Mr. Chairman.

The Clerk read as follows:

For pay of 552 first-class private, at \$18 per month each, \$110,232.

Mr. MURDOCK. Mr. Chairman, I would like to ask the gentleman what a first-class private is. What is the meaning of that term?

Mr. MURRAY. With the permission of the Chairman, I will answer the gentleman from Kansas. I do so because I happen to have been a first-class private in the Signal Corps and I may be qualified therefore to answer it. There are various grades in the Signal Corps, and it is entirely because of the convenience of rating for the purpose of payment to have the different grades, and also for the purpose of rating men in the particular grades of work that the difference is made between privates of one class and another and sergeants of one class and another. The Signal Corps, as the gentleman probably knows, has to do largely with technical kinds of work in the Army in connection with the matter of conducting a campaign either of warfare or of occupation. The Signal Corps is charged with the conduct and maintenance of the telephone communication as soon as a brigade or corps command has been established. The Signal Corps has the work of maintaining and carrying on telegraphic communication. The Signal Corps, since the development of aeroplanes and flights through the air, has had had that kind of work to do. Manifestly, it is important to have men of one grade of experience and mental equipment to do particular kinds of work as distinguished from men of another grade.

Mr. MURDOCK. How many grades of privates are there?

Mr. MURRAY. I think only two.

Mr. MURDOCK. How are they designated?

Mr. MURRAY. Privates of the first class and privates.

Mr. MURDOCK. It is a mere matter of gradation?

Mr. MURRAY. That is all.

Mr. FOWLER. And of pay.

Mr. MURRAY. It is for the purpose of compensation, also, just as in the navy yards we have first-class machinists and first-class wiremen. The separation is mainly for the kind of work to be done and largely for the purpose of the pay roll.

Mr. TILSON. May I interrupt the gentleman?

Mr. MURRAY. Certainly.

Mr. TILSON. There is this further convenience, if I may suggest to the gentleman, that in the Signal Corps oftentimes they are split up into very small detachments.

Mr. MURRAY. Frequently.

Mr. TILSON. In the mobile army of the Infantry the smallest detachment is the squad with a corporal in command. In the Signal Corps it is often the case that they are sent out with only two men together, and in that case it is a convenience for one man to rank the other and have charge over the station. In that case the first-class private would have charge of it rather than the other private.

Mr. MURRAY. The suggestion of the gentleman from Connecticut is entirely sound.

The Clerk read as follows:

Additional pay for length of service, \$61,064.64.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I would be glad to have the chairman explain the cause for the increase in this item, "Additional pay for length of service," on page 9.

Mr. HAY. Additional pay for length of service is fixed by law. The department knows how long each man has served, and in this instance it happens that men have served the requisite time which entitles them to additional pay to the extent of the increase in the item.

Mr. FOWLER. This is for privates.

Mr. HAY. Yes; every private is entitled to additional pay for length of service.

Mr. FOWLER. If he serves a certain length of time.

Mr. HAY. Automatically so much is added to the pay.

Mr. FOWLER. It was \$50,000 last year.

Mr. HAY. I think so.

Mr. FOWLER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For additional pay to such officers for length of service, to be paid with their current monthly pay, \$55,180.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I see in line 7 for additional pay to such officers there is an increase from \$104,990 to \$118,610. In line 11, for additional pay to such officers for length of service, \$55,180. The appropriation heretofore, as I recollect, in August last was \$61,620. I desire to ask the chairman why the increase is in one instance and a decrease in the other?

Mr. HAY. They are two different departments. One is the Corps of Engineers and the other the Ordnance. There is a much larger number of officers in the Corps of Engineers than in the Ordnance Department.

Mr. FOWLER. That says for pay for length of service. I see in the Corps of Engineers you appropriate for officers \$460,300. That is the same as two years ago and also for last year. Now, when you come to the Ordnance Department your appropriation there for officers is exactly the same—\$228,500. Now, for the additional pay of men it is only \$55,180, whereas it was \$61,620 last year?

Mr. HAY. The gentleman wants to know about the decrease?

Mr. FOWLER. Yes.

Mr. HAY. The reason is that officers may have died.

Mr. FOWLER. Can the gentleman tell which one it is?

Mr. HAY. No; that operates automatically. For example, an officer who has served five years in the Army gets an increase at the end of the five years of 10 per cent of the pay which he is receiving. At the end of 10 years he gets 20 per cent, and at the end of 15, 30 per cent; and at the end of 20 years he gets 40 per cent. That is fixed by law, and it is automatic and if in the Ordnance Corps it turns out this year there are not as many officers entitled to this length-of-service pay as there were last year, of course there would be a decrease in the item.

Mr. FOWLER. I presume the gentleman relied upon the report from the War Department for this estimate.

Mr. HAY. Yes; we relied, of course, upon the estimate. We had nothing else to go by.

Mr. FOWLER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For additional pay to such officers for length of service, to be paid with their current monthly pay, \$22,350.

Mr. FOWLER. Mr. Chairman, I reserve the point of order to that paragraph.

Mr. HAY. Mr. Chairman, I do not think it is subject to the point of order.

Mr. FOWLER. Mr. Chairman, I am not disposed to make the point of order.

Mr. HAY. Mr. Chairman, I will be very glad to explain the matter to the gentleman.

Mr. FOWLER. The reason I reserve the point of order is because I am inclined to think that it is subject to a point of order, but I do not desire to make the point of order now. I do desire to ask the chairman the reason for limiting the number by positive law to the number fixed in this paragraph.

Mr. HAY. The purpose of it is to decrease the expense. On May 18, 1911, the Quartermaster General of the Army, in hearings before the Committee on Military Affairs on the bill to create a general service corps in the Army, stated, concerning the first provision of the bill then before the committee, that if the rate of pay was increased from \$150 a month to \$175 a month all of the pay clerks could be replaced by enlisted men of the service corps, as some of the pay clerks receive as high as \$2,000 a year. The change making the highest pay in the service corps \$175 a month was made in section 4 of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1913. It is not desired to displace any pay clerks now in the service, but as it is thought that sergeants of the first class and sergeants of the Quartermaster Corps can be trained to perform the duty efficiently, in the interest of economy it was recommended that a provision be inserted, after the lines in the Army appropriation bill providing for pay of pay clerks, that hereafter no vacancies shall be filled.

Mr. FOWLER. They are all placed on a salary now of \$1,125 a year, are they not?

Mr. HAY. No; they get an increase by virtue of length of service; and after a service of some years, as I understand it, they get \$2,000 a year.

Mr. FOWLER. Are these pay clerks looked upon favorably by the War Department?

Mr. HAY. I think they are considered a very excellent body of men; yes.

Mr. FOWLER. I understood the gentleman to say, in answer to my first question, that the limitation was placed and the only reason given was that certain other men might do the same work in the department.

Mr. HAY. Yes; do the same work as the pay clerks.

Mr. FOWLER. Then, if they are looked upon favorably, why limit the number so that it can not be increased hereafter?

Mr. HAY. The number is limited now. Under the law they can only have 85 pay clerks. This provision provides that hereafter no further appointments shall be made.

Mr. FOWLER. Suppose all of the pay clerks that are now in the service as pay clerks should by some means be taken out of that department of the service, by death or otherwise, then what would you do if this paragraph be passed?

Mr. HAY. Of course if they were all to fall down and die at the same time, it would be very unfortunate, but that is hardly within the range of possibilities.

Mr. FOWLER. I concede that is true.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes.

Mr. MANN. These pay clerks were covered into this corps under the consolidation act that we passed, were they not?

Mr. HAY. The pay clerks were provided for before that time.

Mr. MANN. I understand; but they were covered into the Quartermaster Corps by the consolidation act that we passed.

Mr. HAY. They were.

Mr. MANN. And there was a proposition at one time to dispense with all civilians in that service, but they were kept in the service.

Mr. HAY. Yes; they were kept in the service.

Mr. MANN. And now as they disappear it is desired to have their places taken by enlisted men.

Mr. HAY. That is right, by sergeants in the Quartermaster Corps.

Mr. MANN. Because it would be more economical?

Mr. HAY. Yes.

Mr. FOWLER. And the same work could be done by other men for less money?

Mr. HAY. That is right.

Mr. FOWLER. Then they are not really looked upon so very favorably by the department?

Mr. HAY. I think they are a very excellent body of men.

Mr. FOWLER. The work is looked upon as favorable to be done, I know, but these pay clerks might be dispensed with and other men might do the work for less money.

Mr. HAY. That is the purpose of this amendment.

Mr. FOWLER. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

For pay of 85 pay clerks, at \$1,125 each per annum, \$95,625: *Provided*, That hereafter no further appointments of pay clerks shall be made.

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 11, line 22, after the word "department," insert the words "and acting dental surgeons and contract surgeons."

Mr. HAY. Mr. Chairman, I offer this amendment because acting dental surgeons and contract surgeons are not officers. And therefore if those words were not added they could not receive that pay.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of one superintendent Nurse Corps, at \$1,800 per annum, \$1,800: *Provided*, That hereafter the superintendent shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War.

Mr. MANN. Mr. Chairman, I reserve a point of order on that. There is just one superintendent, I take it. There has been a good deal of talk about the reorganization of the Nurse Corps, has there not?

Mr. HAY. A reorganization of what?

Mr. MANN. Of the Nurse Corps.

Mr. HAY. No; there has not. There is only one superintendent.

Mr. MANN. I have had a number of communications about it.
Mr. HAY. Some project of that sort has been spoken of, but we have never had anything submitted to us with regard to the reorganization that I know of.

Mr. MANN. What does the superintendent of the Nurse Corps now get? Are these allowances for quarters?

Mr. HAY. This item was carried in the bill last year giving these quarters, and so forth, and we put the word "hereafter" in so as not to make it permanent law.

Mr. MANN. What does this superintendent receive?

Mr. HAY. Eighteen hundred dollars.

Mr. MANN. And fogey pay?

Mr. HAY. No. The superintendent does not receive any fogey pay. It only provides for allowances and quarters, but the superintendent of the Nurse Corps does not receive fogey pay. She is not an officer, nor is she enlisted.

Mr. MANN. Does the gentleman say how much the allowances for quarters and subsistence are to the superintendent? There is no statement in here of what the allowance for quarters will be.

Mr. HAY. As may be prescribed in regulations by the Secretary of War. It gives the Secretary of War—

Mr. MANN. I know; but what is the allowance now? Does the gentleman know?

Mr. HAY. I do not think she gets any now.

Mr. MANN. It is in the current law—

Mr. HAY. You mean last year. I do not know how much she got.

Mr. MANN. It seems to me as a rule it ought not to be left as permanent law to the discretion of the Secretary of War as to what allowances shall be.

Mr. HAY. I agree with the gentleman, except it is very difficult in a case of this sort, where a person has no status as an officer or enlisted man, to fix just what the quarters should be. It might be that the superintendent would have better quarters at some posts than others.

Mr. MANN. There is only the one superintendent?

Mr. HAY. Only one.

Mr. MANN. After it is ascertained what that superintendent receives, I think it would be just as easy to enact it into law as it would be to leave it to the War Department to be hereafter—I will not say harried, because that might occur with another superintendent—

Mr. HAY. I do not think there will ever be but one superintendent of the Nurse Corps.

Mr. MANN. In course of time the superintendent will pass away and another will come in.

Mr. HAY. Oh, yes.

Mr. MANN. Does the gentleman know if there is any exception, where if it is left to the supervisory officer to fix the salary and amount of compensation, that officer is not in the end besieged by some occupant of the position?

Mr. HAY. I know that to be the practice, and I think we ought to have it determined in the law; but I will say to the gentleman that the matter was not called personally to my attention. Next year I will try to see if I can learn what her allowances are, and fix them in the law accordingly.

Mr. MANN. Then why not leave out the word "hereafter"?

Mr. HAY. Mr. Chairman, I move to strike out the word "hereafter" on page 12, line 2.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

For pay of officers on the retired list and for officers who may be placed thereon during the current year, \$2,877,000.

Mr. TILSON and Mr. CULLOP rose.

The CHAIRMAN. The Chair will recognize the gentleman from Connecticut [Mr. TILSON], a member of the committee.

Mr. TILSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 23, strike out "\$2,877,000" and insert in lieu thereof the following: "\$2,874,500: *Provided*, That hereafter when any officer who has been retired for disability is found by an examining board, to be appointed by the Secretary of War, to be physically and mentally qualified for active service, the President may, in his discretion, reinstate such officer upon the active list as an extra officer, with the rank and relative position he would have held if he had not been retired: *Provided further*, That such officer shall continue as an extra officer only until such time as a vacancy shall occur in his grade and arm of the service, and if again retired for disability he shall be retired with the rank and pay received by him before his reinstatement."

Mr. HAY. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. Does the gentleman make it or reserve it.

Mr. HAY. I make it.

The CHAIRMAN. Does the gentleman from Connecticut [Mr. TILSON] desire to be heard on the point of order?

Mr. TILSON. Yes, Mr. Chairman. I do not believe this is subject to a point of order. It clearly would be except for the so-called Holman rule. It is very clear that the effect of this, if the amendment is enacted into law, would be to reduce the retired pay.

In this case I have made a reduction in the total equal to the retired pay of one captain, because I happen to have in mind a bill in regard to it—and it is on the calendar of this House with the unanimous report of this committee—one captain who under the terms of this law would be reinstated; and the total result of that reinstatement is the taking from the retired list this one retired officer. In other words, the total retired pay would be reduced by \$2,508. I have subtracted this sum from the appropriation. There might be others; there probably would be others; there should be others.

Mr. Chairman, without going into the merits of the case, which I could not properly do under this point of order, it is very clear that the retired list has been abused. There are men on that list who ought to be doing active service; men who are as well as you and I; men who having served on the active list of the Army until they could be retired are now drawing three-quarters pay and are engaged in the civil activities of life. I believe these men should go back on the active list and do actual service; and if they do every one that can do so under the provisions of this amendment would reduce the retired list just to that extent.

As we all know, there are just so many officers provided for in the Army, and when that list is filled we add one more and he becomes an extra officer. In the course of every 10 days, we will say—we could take the average for several years past—about once in 10 days throughout the year there occurs a vacancy. As soon as the vacancy occurs this extra officer would slip into that vacancy, and thereafter there would be no extra officer, and after this officer ceased to be an extra officer there would be a saving of the amount of his retired pay.

In other words, he would be on the active list serving where he ought to be, and some other man, who otherwise would have filled this particular place, would not be there—that is, he would be out of the service, because there would not be any place for him in the service. Therefore clearly, Mr. Chairman, it is a reduction of retired pay if any man avails himself of this amendment. It seems to be beyond question a reduction, and it is in order under the Holman rule.

Mr. HAY. Mr. Chairman, I would like to see the amendment if the Chair has no immediate use for it. I want to call the attention of the Chair to the fact that while there seems to be a reduction under this item, yet if you put this man on the active list he will be receiving a larger amount from the Government than he is receiving now.

Mr. TILSON. Mr. Chairman, may I interrupt the gentlemen?

Mr. HAY. Yes.

Mr. TILSON. Will he not fill the place of some man who otherwise would be on the active list?

Mr. HAY. Not at all.

Mr. TILSON. Oh, yes. Are there any vacancies to-day in the rank of captain?

Mr. HAY. I do not know.

Mr. TILSON. They would fill them right up.

Mr. HAY. I do not know whether there are any vacancies in that rank or not.

Mr. TILSON. If there is such a vacancy it would be filled at once, would it not?

Mr. HAY. I do not know. I only know that the effect of this amendment would be to increase the amount in this bill, because if you take this amount that the gentleman speaks of from the item of retired officers, you must put it on to the pay of officers of the line, because you will have to provide for the pay of a captain on the active list.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. HAY. Certainly.

Mr. TRIBBLE. If you retire a man and another man is put in his place, what is the reason that you are not paying for two? You are paying the man who is put in the place of the man on the retired list, and you are paying the man on the retired list, too.

Mr. HAY. The gentleman's proposition is this, that hereafter when any officer is retired for disability and he should be found by an examining board, to be appointed by the Secretary of War, to be physically and mentally qualified for active service, the President may, in his discretion, reinstate such

officer on the active list as an extra officer. Therefore, he would be an extra officer. I say, Mr. Chairman, this amendment provides that he shall be placed on the active list as an extra officer, and if he is placed on the active list as an extra officer he could not take the place of some other man who is on the active list.

Mr. TILSON. Mr. Chairman, may I interrupt the chairman there?

Mr. HAY. Yes.

Mr. TILSON. The gentleman will realize, if he will read the whole amendment, that that will last only until there is a vacancy.

Mr. HAY. We do not know how long it will be until there is a vacancy.

Mr. TILSON. If we take the average number of vacancies last year, or of two years ago, or as long back as the gentleman wishes to cover, we know that a vacancy in this rank does not exist certainly longer than a month.

Mr. HAY. Then for that length of time you would be increasing the appropriation, instead of decreasing it.

Mr. TILSON. That would be maximum, a month, and 10 days would be the average. During the rest of the year we would be decreasing it.

Mr. HAY. I might be willing, Mr. Chairman, to have this done in the case of a particular officer about whose condition I was satisfied and who I knew ought to be returned from the retired list to the active list. But to make this a general provision and a general law, and make it mandatory on the Secretary of War to receive these men into the active service, notwithstanding the fact that they are to be examined, seems to me to be bad legislation. There is no question about the fact, that instead of decreasing the appropriation it would increase it, and that being true, it does not come within the Holman rule.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia [Mr. HAY] yield to the gentleman from Massachusetts?

Mr. HAY. Yes.

Mr. ROBERTS of Massachusetts. If this amendment as proposed should become law, would it not be possible for a man on the retired list with the rank of first lieutenant to get back into the Army with the rank of major?

Mr. HAY. Undoubtedly.

Mr. ROBERTS of Massachusetts. In other words, he would be getting promotion while on the retired list?

Mr. HAY. Undoubtedly; and he would be disarranging the promotion, probably, of all the officers in the arm of the service to which he would go back, and the possibilities contained in this amendment are such that, in my judgment, it would be very bad legislation to enact. And if it is subject to the point of order, as I believe it is, that it does not decrease expenditures, I can not consent to accept it.

Mr. ROBERTS of Massachusetts. There is nothing on the face of it to show that it decreases expenditures.

Mr. HAY. It does not decrease them.

The CHAIRMAN. As the Chair understands the effect of this amendment—and he would like the members of the Military Committee to correct him if he is in error—potentially everybody on the retired list could be restored to the active list. Once restored they would draw the increased pay that would attach as a result of that restoration. It is not contended however that such a wholesale restoration is likely, or probable. The reduction made in the total is, I believe, the sum of \$3,500.

Mr. TILSON. It is intended to be the pay of one captain for one year on the retired list, \$2,500.

The CHAIRMAN. Having in mind the possible number of restorations that will reasonably follow upon the enactment of this amendment, and the suggestion of the gentleman from Massachusetts [Mr. ROBERTS] that an officer who was retired in one rank, might be restored in an advanced rank carrying larger pay, it is perfectly clear, to the Chair at least, that it can not be reasonably ascertained that the operation of this amendment will reduce expenditures. The view taken by the Chair is that the crucial test of a proposition submitted under the Holman rule is whether it will effect a retrenchment. In this connection, I am referring to the legislative features of the amendment. The Chair before holding such a legislative proposition to be in order must be satisfied to a reasonable certainty, that in its working effect, it will reduce expenditures. I am not satisfied that a reduction of expenditures will attach to the operation of this amendment. Hence it is not within the rule, and the point of order must be sustained.

Mr. TILSON. Mr. Chairman, one moment. The amendment itself carries a reduction.

The CHAIRMAN. Yes, but the Chair has ruled heretofore that a reduction can not be made a peg on which to hang any sort of legislation. If the legislation brings about the reduction, that is another situation; but the mere fact that a reduction is offered in an aggregate total, does not justify legislation which can not be reasonably regarded as the efficient cause of the reduction. The legislation must be the efficient inducing cause of the reduction.

Mr. TILSON. There is no use arguing with the court after he has made his decision, but it seems to me the Chair has stated only half the proposition.

The CHAIRMAN. The Chair is perfectly willing to have the other half stated.

Mr. MILLER. If I may have the privilege, although I am not a military man, and although the Chair has ruled, I desire to submit—

The CHAIRMAN. The Chair is perfectly willing to correct his ruling if he is in error. The Chair has no desire save to carry out the reasonable intent of the Holman rule.

Mr. MILLER. It seems to me that the logical conclusion which must be drawn from the remarks of the chairman of the committee is that the more you increase the retired list, the more you retrench expenditures, and the more you reduce the retired list, the more you increase expenditures. As a matter of fact an enlargement of the retired list, it seems to me, must necessitate an increase of expenditures, and a decrease of the retired list must of necessity reduce expenditures. They are supernumeraries. I do not say that in any disrespectful sense, either. They are no longer in active service. The active work of the Army must be performed, and the law provides the number of officers who must be kept to do that work.

Mr. TILSON. That is correct.

Mr. MILLER. It seems to me an absolutely necessary deduction that if you decrease the number on the retired list you must reduce expenditures.

Mr. HAY. But if you replace them, you replace them at increased pay, and they do not take the places of other active officers.

Mr. ROBERTS of Massachusetts. They go back as extra numbers.

The CHAIRMAN. Will the gentleman answer one question? Can the gentleman figure out how many officers under this amendment could conceivably be restored to full pay?

Mr. MILLER. I could not; but suppose there are 2,000 officers in the active service of the United States Army. That is the number authorized by law, and it is kept as nearly full as possible. There is always a shortage. Suppose there are 1,000 men on the retired list. If we reduce that number by 50, we leave 950 on the retired list and put 50 back, who will form a part of the 2,000.

Mr. ROBERTS of Massachusetts. No; they are extra numbers.

Mr. MILLER. It may be that they would not for a moment become a part of the 2,000. Perhaps each man would stay 10 days. Suppose he stayed 20 days or 3 months. After he had passed the time in which he would get increased pay he would spend the rest of the time in taking the place of some one of the 2,000 active officers.

The CHAIRMAN. In the meantime the extra compensation might amount to a great deal more than the reduction of \$2,500. That is what the Chair is seeking to point out. You can not possibly figure out that the reduction of \$2,500 is a necessary consequence of this amendment. The arguments pro and con are too nearly balanced, the facts are too uncertain to furnish the ground for a satisfactory conclusion of retrenchment.

Mr. MANN. Will the Chair permit me a moment on the point of order?

Mr. HAY. I thought the Chair had ruled on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. Under the Holman rule there are four phases of adding legislation to an appropriation bill. The last one, which, of course, is not applicable to this amendment, is that it shall be in order further to amend such bill upon the report of a committee, and so forth, which amendment being germane to the subject matter of the bill shall retrench expenditures.

Under that provision of the Holman rule, as I understand the decisions, it is necessary for the Chair to be able to see on the face of the amendment, or with such information as he is furnished, that the amendment will reduce expenditures.

There is the other provision in the Holman rule—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the

reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It is admitted that the amendment is germane to the bill.

Mr. HAY. Oh, no, Mr. Chairman, I do not admit that at all.

Mr. MANN. I assume that it is because it is perfectly patent on its face. The amendment is germane to the bill. Now, the amendment does reduce the amount of money covered by the bill carrying legislation with that which it is claimed will further reduce the expenditures of the Government. But I do not understand from the decisions heretofore made that it is the duty of the Chair to determine whether the additional legislation will reduce expenditures or not when it is coupled with the proposition which does in fact reduce the amount carried by the bill.

It is for the House, then, to determine whether, in their opinion, there will be a reduction of expenditures which would entitle the House to favor the amendment. It is impossible in any event, except where you cut off officers or cut off salaries, or dispense with the service through officers or salary, to say that anything will reduce expenditures. These two points are carried by the first two provisions of this rule—"shall retrench expenditures by the reduction of the number and salary of the officers or by reduction of the compensation of any person." There is practically no other way of reducing expenditures except by decreasing the purchase of supplies.

Here is an amendment which does, in fact, reduce the amount of money carried by the bill, but it is claimed that the reason for making that reduction is that the legislation proposed will accomplish the reduction. I do not see how there is any escape from the proposition that the amendment making a reduction in the amount carried by the bill and carrying legislation with it for the purpose of making the retrenchment is in order.

The CHAIRMAN. The Chair would like to ask the gentleman a question. The gentleman puts his contention on the ground that this will reduce the number of officers?

Mr. MANN. My contention is that it reduces the amount carried in the bill, with a germane amendment which it is contended accounts for that reduction; in fact, I think it reduces the total number of officers, but that may be speculation.

The CHAIRMAN. The Chair will ask the chairman of the committee whether, in his judgment, the effect will be to reduce the number of officers?

Mr. HAY. No, Mr. Chairman; the effect of it will be to increase the number of officers, and admittedly so; that is, to increase the number of officers on the active list, where they receive a larger compensation than they do on the retired list.

Mr. TILSON. It is perfectly clear on the face of the amendment that there would be no additional officer, because you take one off the retired list and put him on the active list. The net result is there is no more than you started with.

The CHAIRMAN. But is there a reduction?

Mr. TILSON. After the first vacancy occurs there is a reduction of one. The chairman of the committee is not satisfied that there will be a vacancy soon. I know that during the year 1912, which was a normal year, there were three such vacancies every month, so there would be a reduction at the end of the first vacancy which might occur in a week, and it might possibly be a month.

Mr. HAY. Will the gentleman inform the House how many officers under his amendment would be carried from the retired list to the active list?

Mr. TILSON. No one knows.

Mr. HAY. That is the point I make—nobody can tell.

Mr. TILSON. Every one that occurred would be so much reduction.

Mr. HAY. Not at all; they might all be extra officers. There might be 40 officers added to the Army by virtue of this amendment.

Mr. TILSON. They could not last as extra officers.

Mr. HAY. They might be there six months or a year.

Mr. TILSON. There would still be a reduction.

Mr. TRIBBLE. Mr. Chairman, as I understand this question, the gentleman from Virginia [Mr. HAY] and the gentleman from Connecticut [Mr. TILSON] are both wrong as to increase and decrease of officers. There is no increase of official positions and no decrease of active officers, but you do take officers from the retired list, and in so removing them reduce the amount carried in the bill—that is to say, keep them in the active list of officers.

The CHAIRMAN. According to the rule there must be a reduction or a decrease of officers.

Mr. TRIBBLE. Mr. Chairman, this question was discussed before the Naval Committee, and the same statement made before the Naval Committee is now made by the chairman of

this committee. I sought information from the Secretary of the Navy, and here is his statement, which I hold in my hand; 12 retired men, retired by the plucking board, were placed on the retired list, at a salary of \$44,700 in the total. Now, their successors, who filled their places, received \$65,065. I mean, the successors of these men who have gone to the retired list. All along down the line they have created 33 vacancies—commanders and lieutenant commanders. They amounted approximately to \$128,000. Now these are the successors of those retired. After they are promoted it increases their salary to \$157,000.

Now, Mr. Chairman, there is an increase from \$128,000 to \$157,000 in one year, and what would it amount to in 100 years, 12 being retired or plucked each year? Those retired are receiving \$44,000 after they go on the retired list. If you keep them on the active list, there is no retired \$44,000 to pay and no increase in pay of the 33 promotions to fill vacancies. When you take one man from the active list you create a vacancy that goes all the way down the line, and you promote the men all the way from one end of the line to the other. If you refuse to move the men to the retired list, then, sir, you do not create any retired list, and you keep them there, and there is no vacancy to fill, and consequently no \$44,000 retired pay. This is not a difficult proposition. It seems to me any one can see this enormous increase as applied to any retirement. I think the proposition before the House is the same.

Mr. HAY. Mr. Chairman, I do not see that what the gentleman says about the Navy would apply to this question here. We have not in the Army what they call a plucking board. We have no institution of that kind in the Army; and, moreover, the fact is the gentleman is mistaken in his view that the object of this amendment is to put somebody on the retired list. It is to put somebody from the retired list onto the active list.

The CHAIRMAN. The Chair is prepared to rule. First, in relation to the suggestion of the gentleman from Illinois [Mr. MANN], that the amount covered in this bill is reduced, it may be said that the suggestion is well taken. The aggregate total is reduced by the amount of \$2,500. Having this reduction in mind it is argued that germane legislation sufficient to account for that reduction, is in order. The Chair admits that this argument is sound, and holds that germane legislation effecting the reduction is in order. But unrelated legislation can not be attached to the reduction, for an amendment reducing a total does not require the authority of the Holman rule, and hence can not be made the basis of legislation which is not the necessary and efficient cause of the reduction. Using the reduction in the total as a peg, you can not hang all sorts of unrelated legislation on that reduction. The reduction must be accounted for by the legislation, and the point that the Chair undertakes to present in this connection is that, after listening to the contention of the participants in his debate, and looking to the amendment, he is unable to perceive that in its necessary operation it will effect the reduction of \$2,500, or any portion thereof. If it does not effect this reduction, then it is not in order. If it does account for it, the Chair will hold that the amendment is in order. From the arguments submitted, the Chair understands that the possible effect of this amendment will be to restore an indefinite number of officers to their old pay, or possibly to greater pay, since their grade may be advanced. They may, or may not render the promotions of other officers unnecessary or reduce the number required. For a time at least they might receive this increased pay without rendering service. It is difficult to see that in its operation as a whole this amendment will reduce expenditures. In fact its economic operation is altogether problematical. The Chair sustains the point of order.

Medical Department: For pay of officers in the Medical Department, \$1,600,000.

Mr. HELM. Mr. Chairman, I move to strike out the last word for the purpose of inquiring of the chairman what is the total amount carried in the bill.

Mr. HAY. \$93,833,177.

Mr. HELM. Has the chairman made any estimate, or is he in a position to tell the committee, what portion of that sum, including length of service pay, is paid to officers of the Army, the staff, line, commissioned, noncommissioned, and retired officers?

Mr. HAY. I can state to the gentleman that the pay of the Army is about one-half of the amount of the bill.

Mr. HELM. One-half of the \$93,000,000 goes to the officers of the Army?

Mr. HAY. The officers and men of the Army.

Mr. HELM. Does that mean the enlisted soldiers?

Mr. HAY. Yes. I say that about one-half of the amount carried in the bill goes to the pay of the Army.

Mr. HELM. Do I understand the chairman to mean the pay of the Army includes the pay for all classes and grades and enlisted men?

Mr. HAY. Yes.

Mr. HELM. Is not the gentleman mistaken when he says that one-half of the \$93,000,000 goes to the officers of the Army and to the enlisted men?

Mr. HAY. Of course that includes the officers on the retired list and the enlisted men on the retired list.

Mr. HELM. What I am trying to get at is this: Is it not a fact that one-half of the \$93,000,000 goes to the officers of the Army of all classes—staff, line, commissioned, and noncommissioned, and their increased pay, and so forth, and length of service pay, and so forth. Does not that include one-half of the \$93,000,000, exclusive of the pay of the enlisted men?

Mr. HAY. No.

Mr. HELM. I believe if the gentleman will investigate it closely he will find that about \$40,000,000 of this sum of money that is carried by this bill goes to the officers, exclusive of the enlisted men.

Mr. HAY. The gentleman is mistaken. If the gentleman will add up the pay items, including the \$16,000,000 for enlisted men, he will find that the pay is about \$47,000,000, and that includes the entire pay of the Army.

Mr. HELM. I am not in a position to take issue with the gentleman directly on this bill, but if this bill corresponds approximately with the bill of last year, I believe that I am in a position to state, and I believe that I will be sustained by the fact, that one-half of this \$93,000,000 goes to the officers of the Army, exclusive of the enlisted men.

Mr. HAY. I can only say to the gentleman that he can very easily verify it by adding up the pay items, but I can assure him that he is mistaken.

Mr. KAHN. Mr. Chairman, if the gentleman from Virginia will yield, I will call the attention of the gentleman from Kentucky to the items in this bill on page 7.

Mr. HELM. Will the gentleman permit me to interrupt him a moment?

Mr. KAHN. Yes.

Mr. HELM. Does this bill, in its appropriations for the pay of the officers of the Army, differ materially from the bill of last year in amount or in the number of officers?

Mr. KAHN. Not in the appropriation features.

Mr. HELM. In the amount for the pay of men and officers?

Mr. KAHN. It is a little larger than last year.

Mr. HELM. But the underlying principle is the same?

Mr. KAHN. Yes. On page 7, as I was informing the gentleman, the pay of officers of the line is \$7,710,800, appropriated in this bill. The additional pay of officers for length of service is \$1,742,916.73. The pay of enlisted men is \$16,973,474, and the additional pay for length of service of enlisted men is \$2,291,574.56. In that one item alone the pay allowed to enlisted men is more than double the amount of the same character of pay allowed to the officers.

Mr. HELM. The gentleman refers to the pay of officers of the line on page 7. From page 7 of the bill to line 5 on page 13 of the bill, are not all of the items that have just been read, inclusive, for the pay of officers of some grade in the Army?

Mr. KAHN. Not of officers, but principally of enlisted men.

Mr. HAY. One item alone of \$750,000 is for 20 per cent foreign pay. I will say to the gentleman from Kentucky that more of the items appropriated for pay of the Army is for enlisted men than for the officers. There can not be any question about that.

Mr. COX. I would like to ask the gentleman this question, if he is prepared to give the figures on it.

Mr. HELM. Pardon me a moment. Do I understand the gentleman from Virginia [Mr. HAY] to say that the enlisted men receive more of the entire appropriation in this bill than the officers?

Mr. HAY. Yes, sir.

Mr. HELM. Officers of all grades—officers of the line, staff, commissioned, and noncommissioned?

Mr. HAY. Yes, sir.

Mr. MONDELL. Will the gentleman from Kentucky yield to me for a moment? The very last statement of the gentleman from Kentucky [Mr. HELM] brings a new consideration into the argument. The gentleman used the term "commissioned and noncommissioned." Of course, if the gentleman from Kentucky is adding the noncommissioned officers—sergeants and corporals—to the commissioned officers and is segregating everybody from the buck private in the rear rank, he is probably correct.

Mr. HELM. That is just what I meant at the outset of the statement—

Mr. MONDELL. The sergeants and corporals are just as much enlisted men as the buck private who has no sort of rank, and the item—

Mr. HELM. I understand that when a man is in the Army he is in the Army.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HELM] has expired.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HELM. The point I am trying to make to the committee is this: That we have got a top-heavy arrangement; that when we come to speak of the Army, our officers, to use an expression of the street, seem to me to be "hogging the patch"; that if we are going to appropriate \$90,000,000 that we should be getting better results for the amount of money that you are expending. And I do not think that I miss the mark very far when I say that I doubt extremely whether there is an officer in the United States Army to-day that could stand behind a line of battle such as is drawn in the Bulgarian-Turkish War and command that line of battle.

Now, what strikes me as being out of balance in this Army of ours is that instead of getting some results in the way of effective tactical organization with this expenditure of ninety millions, the entire contest here on the floor, when the Army appropriation bill comes up, is for some class or grade of officers to get some promotion and increase in their pay or some additional emolument; some amendment that gives some other particular class of the Army officers so much per month or per year more than they are now receiving; they are getting so much for quarters; they are getting so much for light and heat, so much for salary, and every imaginable thing, and they all want more. It occurs to me that this whole thing has grown up in a contest between the different grades or divisions of the officers of the Army as to who will get the most money out of this Army appropriation bill, instead of service and efficiency, and not how good a machine for war purposes can be obtained.

Now, I know it is an unpopular thing for a Member to stand on the floor here and criticize the officers of the Army. I have had them take very serious exceptions to positions I have had to take as the chairman of the Committee on Expenditures in the War Department. They are quite tender. You have to sort of tiptoe around. They are very touchy. They are very jealous of the position and the rank that they occupy. But it occurs to me the time has come when we ought to do some pruning, to cut off some of these good things that you are handing out annually to these officers.

Mr. MONDELL. Will the gentleman yield?

Mr. HELM. I certainly will.

Mr. MONDELL. Did the gentleman vote for the bill before the House the other day proposing to give rank and increase of pay to horse doctors as officers?

Mr. HELM. Unfortunately, I was not on the floor. This is the first information I have had that that bill was up for consideration; but I will say, since you have brought it to my mind, that you have more horse doctors for the amount of horses that you have in the Army than you have any use for. I come from a section of the country where they have a good many horses and very good ones, too. Now, if I understand, you have one regiment of Cavalry in the Philippine Islands. Is not that a fact? I would like to ask some one.

Mr. HAY. We have two regiments of Cavalry there.

Mr. HELM. Is it not a fact that you have four regiments of Infantry and one regiment of Cavalry?

Mr. HAY. Two regiments of Cavalry and four regiments of Infantry.

Mr. HELM. How many veterinary surgeons have you?

Mr. HAY. Four.

Mr. HELM. Is it not a fact that you have nine?

Mr. HAY. Each regiment of Cavalry is entitled to two veterinarians.

Mr. HELM. I believe, if the gentleman will examine it closely, he will find that we have nine veterinary surgeons in the Philippine Islands.

Mr. HAY. If they have them, they are not with the command.

Mr. HELM. Where else are they?

Mr. HAY. The quartermaster may have them out there. They have veterinarians in the Field Artillery, but there is no Field Artillery there, I think.

Mr. HELM. I would like to ask the chairman of the committee—

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HELM] has again expired.

Mr. HELM. Mr. Chairman, I would like two minutes more.
Mr. HAY. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HELM. How many horses is a veterinary surgeon supposed to be able to look after and care for?

Mr. HAY. I will say to the gentleman that a full regiment of Cavalry, such as they have in the Philippine Islands, has in it somewhere about 1,300 or 1,400 horses, and therefore there would be, say, 650 horses to be cared for by a veterinarian.

Mr. HELM. That is all I wanted to know.

Mr. HAY. Mr. Chairman—

Mr. Sisson. I want to ask the gentleman one question.

The CHAIRMAN. Does the gentleman from Virginia [Mr. HAY] yield to the gentleman from Mississippi?

Mr. HAY. I yield to the gentleman.

Mr. Sisson. Can the gentleman from Virginia [Mr. HAY] tell the proportion of men and officers in the Army? About what is the proportion?

Mr. HAY. As I understand it, there are about 80,000 enlisted men now, and about 4,000 officers; something like that.

Mr. COX. Can the gentleman tell the committee about what is the total amount carried in this bill to pay retired officers, and then to cover appropriations for additional pay on account of length of service, and so on? Has the gentleman any calculation showing the total amount that is paid for that?

Mr. HAY. I may say that it is \$2,877,600.

Mr. COX. Has the gentleman got it anywhere in the act—the sum total?

Mr. HAY. The number of officers, does the gentleman mean?

Mr. COX. The amount appropriated in this bill for the officers, and the amount that is appropriated in this bill for extra length of service.

Mr. HAY. The amount appropriated for retired officers—

Mr. COX. I could find out if I looked into it, if the chairman please, but what is the sum total?

Mr. HAY. I will state to the gentleman that it is about one-half. I have not segregated those items from the other items.

Mr. COX. That is what I wanted to ask, whether that had been added up.

Mr. HAY. It has been added up by the clerk of the committee, and in examining the result of his computation I was struck by the fact that about one-half of the amount went to the pay of the Army.

Mr. COX. Then it would take about six or seven million dollars, would it not, to pay the retired officers for their pay and—

Mr. HAY. No; it would not.

Mr. COX. I am not through with my question. It would take something like six or seven million dollars, would it not, to pay the officers who have been retired, and then to pay officers for length of service and to pay enlisted men extra pay for length of service? It will approximate about six or seven million dollars, will it not?

Mr. HAY. It is about \$5,400,000.

Now, Mr. Chairman, I want to say in answer to the statement of the gentleman from Kentucky [Mr. HELM] that there is not a single provision carried in this bill that adds any emoluments to any officers beyond what they are already receiving on account of existing law. The pay of the Army is fixed by law, and the appropriation bill is made up of items taken from the law.

I want to say, too, to the gentleman in regard to his statement to the effect that the officers of the Army of the United States could not stand behind a battle line and command the army as is now being done in Bulgaria, that there has never been a time in the history of this Government when the officers of the United States Army have not been equal to every task which has been committed to their care. [Applause.] They are equal now to do their duty in battle and measure up to the officers of any army under the shining sun, I do not care where they may be. [Applause.]

I am proud of the records which the officers of the Army of the United States have made through all our history, and I am sure my friend from Kentucky hardly measured his words when he stated what he did about the ability of the officers of the Army of this country. In every branch of the Army, in every duty, whether that of the Army proper or the civilian duties, such as this great task of building the Panama Canal, the Army officers have always been called upon in emergencies of that character [applause], and they have always measured up to the occasion. [Applause.]

Mr. MONDELL. Mr. Chairman, it seems to me there ought to be no difference of opinion in regard to the views just expressed by the gentleman from Virginia [Mr. HAY] as to the gallantry and efficiency of the officers of the Army of the United States. We have, in my opinion, the best military schools in the world, and we have certainly the best material in the world from which to draw the young men who attend those schools for the purpose of preparing themselves to become officers of the Army and of the Navy. And we have the best plan in the world under which we select the young men who are to become the officers of the Army and of the Navy. We are the only Nation in the world that gives all of the young men of the country who are ambitious to serve their country an opportunity to secure an appointment and a military education, and there never has been a time, in my opinion, when the Army, both the men and officers, was as thoroughly fit and prepared for any emergency as it is this day. There has never been a time when we had as good an organization, when the men and officers were kept so thoroughly up to a concert pitch of preparedness, physically and mentally, as they are to-day.

And yet I sympathize somewhat with the views expressed by the gentleman from Kentucky [Mr. HELM]. He makes a mistake, in my opinion, when he attempts to segregate the enlisted men and to assume that the noncommissioned men among the enlisted men are officers. They are in no sense, as the term is ordinarily used in the Army, officers. They are enlisted men holding a higher rank than their fellows by reason of their ability and their service.

But it is true, in my opinion, that we have been much given in this country of late years to yielding to the importuning of the Army, to the social influence of the Army, in increasing the Army pay and the Army emoluments, and in no way have we erred more, in my opinion, than in giving rank and title and other peculiar military recognition to men who are not performing, or who are not called upon to perform, purely military duty. We are wiping out the line between the fighting men and the auxiliaries of the fighting force. In my opinion that is not a wise thing to do. And we have increased the pay and allowances, pay active and fogg, allowances and commutation, and all that sort of thing—well, at least as much as they should have been increased.

Mr. PRINCE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. And it is only very recently that we have realized the gap between the rewards of the officers and the rewards of the enlisted men, and have sought more nearly to equalize the pay.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. Yes.

Mr. PRINCE. I was just going to ask my colleague if we have not made very liberal provision for the pay of enlisted men?

Mr. MONDELL. We have made much more liberal provision than we did formerly, and in my opinion the enlisted men of the Army are at this time very well paid, and the service is one that should and does command the attention of some of the best young men of the country.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. HELM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] moves to strike out the last two words.

Mr. HELM. I do not want to consume the time of the committee, but in response to the statement of my very much esteemed friend from Wyoming I want to add this observation in support of the statement I have made. He says that we have fine schools for the education of the officers of the Army. Well, a fine law school does not necessarily make a fine lawyer, and a fine medical school does not necessarily make a fine doctor. I doubt very much whether your fine schools come up to the standard which you have stated they do. I presume you refer to the War College, do you not?

Mr. MONDELL. I refer, primarily, to the Military and Naval Academies.

Mr. HELM. We are speaking now of the Army. We are not talking about the Navy.

Mr. MONDELL. The various service schools carry on the work.

Mr. HELM. If it is true that we have such exceptionally fine schools for the training of these officers, why have they not effected a tactical divisional organization? Nearly all the members of the Military Affairs Committee are here, and I want to ask you, Have you to-day a tactical divisional organization? Please, some of you, answer me—

Mr. HAY. I will state to the gentleman that that is wholly a matter for the Executive, and not for the Military Affairs Committee.

Mr. HELM. You concede that you have not such an organization, do you not?

Mr. HAY. If we have not the proper tactical arrangements, it is the fault of the War Department, and not the fault of Congress.

Mr. HELM. Ah, there you are. Now when you get up here and boast of what you have, it sounds all right. It reads well. We like to hear it. It falls good on our ears; but when you come to put the test to it you have not got it. Now, what is the work that your good schools are doing? Let me ask you this question: Can we go to war with anything less than a division? Can this country go to war with anything less than a division? We are speaking now of a fighting machine. Now answer me that question, please.

Mr. KAHN. The gentleman knows that the War Department at the present time is working out a system of tactical units.

Mr. HELM. They have been doing that ever since I have been in Congress.

Mr. KAHN. No.

Mr. HELM. Just about this time of the year. I leave it to your candor. About the time the Army appropriation bill comes up you see it stated here and there that there is a group of Army officers somewhere incubating something that will look like a system if it ever hatches, but it never borns. It dies aborning. Now, you will not hear anything more of this thing for 12 months more. I understand quite a number of distinguished officers of the Army have been here in the city for the purpose of working out a plan, and the newspapers state that it has been accomplished and that the report is ready to be submitted. But where is that report?

Mr. KAHN. Will the gentleman yield?

Mr. HELM. I will.

Mr. KAHN. About a year ago the War Department for the first time undertook to organize the Army along—

Mr. HELM. I have yielded to the gentleman for a question, not a statement.

Mr. KAHN. The gentleman asked me a question, and I am trying to give him the answer.

Mr. HELM. The simple question I asked was if you have a division tactical organization, which question can be answered yes or no.

Mr. KAHN. No; but one was started less than a year ago, and is nearly perfected.

Mr. HELM. Is it nearly perfected?

Mr. KAHN. Yes.

Mr. MADDEN. It is out of the incubator. [Laughter.]

Mr. HELM. Have you any information as to when we will receive it? Will it be about the time the next Army appropriation bill comes up?

Mr. KAHN. I will say, for the information of the gentleman, that the matter has been worked on all through the period since the adjournment of the last session.

Mr. HELM. For how many years?

Mr. KAHN. Less than one year.

Mr. HELM. Does the gentleman make that statement advisedly?

Mr. KAHN. I do.

Mr. HELM. That they have been working on this particular proposition for one year?

Mr. KAHN. Less than one year.

Mr. HELM. What other propositions have they had similar to this, and how long?

Mr. KAHN. The question of reorganization along lines of tactical or divisional units was not taken up by the Army until about last April or May.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HELM. I ask unanimous consent for five minutes longer.

Mr. HAY. I ask unanimous consent that all debate on this paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent that at the expiration of five minutes the debate upon this paragraph and amendments thereto be closed. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. HELM. Mr. Chairman, I think the proposition that I laid down in the outset has been fairly well sustained, by reason of the failure of the members of the Military Affairs Com-

mittee to show that you have what they claim to have. I want to ask my good friend from Wyoming [Mr. MONDELL] when was there ever a division of the Army assembled since the Civil War; and how can you get up on the floor here and say—and how can my good friend, the chairman of the Military Affairs Committee, the gentleman from Virginia [Mr. HAY], get up on the floor here and say that you have the officers to do the work that is being done in the Balkan-Turkish War, when, in the first place, you have not a divisional organization, and, in the second place, there has not been such a thing since the Civil War?

Mr. MONDELL. Does the gentleman complain because the Army is not large enough?

Mr. HELM. I say the Army is too large. I am not complaining about the Army not being large enough.

Mr. MONDELL. Does the gentleman complain that we have not a large enough Army, or that we have not our present Army so concentrated as to have a division in one locality that can be easily gathered together and concentrated quickly? Is that the gentleman's complaint?

Mr. HELM. I am not complaining that the Army is too small. I am complaining that you have nothing that resembles a divisional organization within the Army. I will say that a well-organized army of 25,000 men is better than an unorganized army of 75,000 men.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. HELM. Certainly.

Mr. HAY. Was there before the Civil War an Army of the United States large enough to gather together a division? Of course, the gentleman must say there was not, because we did not have as many men in the Army as we have now.

Mr. HELM. As I was born since the war, of course I can not answer.

Mr. HAY. The officers of that Army who served on the northern side and the southern side displayed an amount of genius that has never been displayed by any other set of officers in any other country in any other age.

Mr. HELM. Mr. Chairman, that sounds good again. That appeals to you, that stirs your blood and starts you going; it makes you feel good. [Laughter.] You like to hear your Army bragged about as my good friend likes to hear his children bragged about.

Mr. ANTHONY. Will the gentleman yield?

Mr. HELM. I will.

Mr. ANTHONY. Is the gentleman arguing that the standing Army should be increased?

Mr. HELM. No, sir.

Mr. ANTHONY. Does the gentleman know how many men compose a divisional unit? He is speaking of nine or eighteen thousand men.

Mr. HELM. I do not know how to run a railroad train, but I can sit in the passenger coach and tell when the track is in good shape and whether the men in charge of the train know how to run the train.

Mr. ANTHONY. The gentleman is talking about something that he knows very little about.

Mr. HELM. As I said, I do not know anything about operating a railroad, but I can tell something about the roadbed as soon as I take passage, and I can tell by the way the trains are handled whether the Chesapeake & Ohio Railroad is as good a railroad proposition as the Pennsylvania Railroad.

Mr. MANN. Is the Chesapeake & Ohio a good proposition? [Laughter.]

Mr. HELM. It is not as well organized or systematized as the Pennsylvania Railroad, and yet I do not know a thing in the world about railroads, either as to construction or operation.

Mr. BURKE of Pennsylvania. Is there any division in the Chesapeake & Ohio?

Mr. HELM. Oh, there are plenty of them—divisional organizations.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. HELM. Yes.

Mr. BURKE of Pennsylvania. How much does the gentleman think that the Army ought to be increased?

Mr. HELM. I would say just as small as you could possibly get it, and as soon as we can get rid of the Philippine Islands I would say reduce it to 25,000 men. These islands are the only excuse you men have for a big army and big navy. The moment you get rid of the Philippine Islands your big navy and your big army is gone. You recognize it, and the War Department and the Navy Department recognize it.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

The Clerk read as follows:

For pay of the enlisted men of the Army on the retired list, \$2,400,935.20.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I hoped that I could entirely concur in the latest speech of my friend from Kentucky, but unfortunately he has fallen into a common error. In discussing what it may be are the faults of our military organizations, he insists that we should have a smaller military organization, and yet we should have one large enough so that we may have divisional units; and I assume that he would have this small Army so located that it would be divided up into a considerable number of very large units. His wish is a good deal like that of the little boy who hoped it would rain just hard enough so that he did not have to go to school and not so hard but that he could go fishing. He wants the Army so small that it will not be efficient and yet big enough to divide into large units. You can not do those two things. I am one of the people who believe that it is not so tremendously important that we shall have worked out every problem that the very latest craze of military development in Europe may have suggested as being important. Our history, the history of all the world, is that it is not necessary to have a great army, and that it is not necessary to have an army concentrated, and it is not necessary for men to have had in time of peace a great number of men to operate in order to develop military genius in order to be able to handle great military problems.

At the beginning of the Civil War, as the gentleman from Virginia stated a moment ago, we had men who had never commanded more than a fragment of a regiment; men who had had no experience with large numbers of troops, who immediately developed the ability to handle corps, divisions, and armies. I dare say that the men who have been handling the armies of the allied troops in the Balkans are men who never had experience with large commands.

Mr. HELM. Will the gentleman yield?

Mr. MONDELL. My time is very brief.

Mr. HELM. How long between the time that the war was declared between the Balkans and the Turks until the allied troops drove the Turks back to Constantinople; how many days elapsed?

Mr. MONDELL. I was engaged in my duties here, and was not giving all my attention to that fact.

Mr. HELM. The gentleman has made statements about not being prepared; does the gentleman want to know how long it was?

Mr. MONDELL. It was only a few days until they had advanced, and they were prepared to advance.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. HELM. Does the gentleman believe the result could have been accomplished unless the men in charge of the Balkan troops and their allies had made preparations and knew what to do and how to command these troops and drive the Turks back in 18 days?

Mr. MONDELL. Certainly no man ever accomplished anything if he did not know how to do it; but many men have accomplished great things once that they never had the opportunity to practice before, and a great many men have won great battles and have proven themselves great strategists and soldiers who have never commanded great armies; and while the gentleman belongs to that class of people who want an army so small that it would be entirely insufficient, practically valueless in the present condition of the country, at the same time he is arguing for the very things in organization that men argue for who want a very large army. We have grown way beyond an army of 25,000 men. We have grown to an Army of the present size beyond all question, whether we have the Philippines or no, and being one of those who do not believe in ever sending soldiers to the Panama Canal, except, perhaps, a corporal's guard possibly, I still believe we need all the soldiers we now have without regard to the Panama Canal, because we have not too many men to form the nucleus that will be necessary for expansion if we have foreign trouble. But it is not necessary to concentrate these men in great bodies. To do it is un-American. It is not necessary to have worked out to the last gnat's heel of detail some peculiar scheme of organization. It is necessary to get the right kind of material, men and officers, give them the proper instruction in the schools and in the fields, select them

carefully for command as they discover their ability, and with the population to draw from that we have, the schools of instruction that we furnish, the field operations we now have, no one can doubt but that when called upon the Army of the United States will respond, men and officers, as nobly to the duties they are called upon to perform as ever did a soldier in the history of the world. [Applause.]

The Clerk read as follows:

For commutation of quarters to commissioned officers, dental surgeons, veterinarians, and pay clerks on duty without troops at stations where there are no public quarters, \$500,000.

Mr. HAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, line 22, insert the word "acting" after the word "dental."

Mr. HAY. Mr. Chairman, I offer this amendment, because otherwise these acting dental surgeons could not receive the commutation of quarters.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.

Mr. MANN. Are there not dental surgeons also?

Mr. HAY. Yes; but they are commissioned officers.

Mr. MANN. They will be included under the term "commissioned officers"?

Mr. HAY. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. WEBB. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee a question or two, and then I may offer an amendment. I would like to know how many officers under this provision which has just been read receive commutation here in Washington?

Mr. HAY. I could not state to the gentleman how many officers are now in the city, but I can state to him that all of those who are stationed here who are not at the military posts get commutation of quarters.

Mr. WEBB. That commutation of quarters includes room rent?

Mr. HAY. And fuel and light.

Mr. WEBB. Can the gentleman tell me how many Army officers are transferred from Fort Myer to Washington on detailed duty who receive this commutation?

Mr. HAY. I do not think there are any detailed from Fort Myer. Those stationed at Fort Myer do not get commutation of quarters.

Mr. WEBB. Mr. Chairman, the object of this question was to bring out the fact that there has grown up in this commutation allowance an abuse which I think will be apparent. Under the present law, as I understand it, a captain, if he is detailed away from his barracks, or his Government quarters, gets five rooms at the rate of \$12 a month for each room. That is \$60 a month for room rent. A lieutenant gets three rooms, or \$36. A colonel gets seven rooms, or \$84, and a brigadier general gets eight rooms, at \$12, or \$96 a month. That was all that the Government originally intended to pay these officers as commutation, as I understand it, but according to the ruling of the Comptroller of the Treasury on January 31, 1907, it seems to me apparent that that ruling engrafted on to what Congress intended to allow them for commutation an additional allowance for heat and light. It is my understanding that there are 175 of these officers in this city who are drawing this unusual and splendid commutation of \$12 a month a room, and heat and light pay also.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. BURKE of South Dakota. I understand the number to be 192, I will state to the gentleman.

Mr. WEBB. Then the number is larger than I thought it was.

Mr. HAY. Mr. Chairman, I would point out to the gentleman that a captain may have a wife and family.

Mr. WEBB. I will get to that.

Mr. HAY. And therefore four rooms would not be too great an amount, and he could not rent for himself and family proper quarters in this city for \$48 a month.

Mr. WEBB. Mr. Chairman, while that may be so now and then, I am informed that there are many captains and colonels and the rest of them who get this entire commutation and do not use but one or two of the rooms, or one-half of the rooms, and receive not only the entire commutation for room rent, but heat and light allowance also, although practically every room in this city is furnished heat free with the rent. Where an officer gets his room rent for \$12 a month, say, a colonel who gets \$96 per month for room rent, in addition to that he also gets \$30 a

month for heat and light. I say that is a species of—well, I shall not call it graft, but Congress never intended to allow that, and it ought not to be allowed by this House. Something like \$50,000 to \$60,000 are paid out in this city every year as commutation for heat and light alone, or about \$5,000 per month.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. HELM. How many rooms is a brigadier general allowed commutation of quarters, heat, and light for?

Mr. WEBB. Eight rooms—I really believe nine now.

Mr. HELM. Suppose he is a bachelor?

Mr. WEBB. I have heard of a case where a colonel had seven rooms and occupied only two, but he drew his entire seven-room rent, and heat and light besides, and I learn that this practice is general.

Mr. HELM. Of course, the theory of the law was that in allowing a man five or six or seven rooms it was to house his family; but suppose he is an officer without a family; is he still entitled to this \$12 a room a month?

Mr. WEBB. Oh, yes; that is as certain and regular as his salary.

Mr. HELM. Do I understand that a brigadier general gets \$96 per month?

Mr. WEBB. Yes. I believe it is now \$108 for nine rooms.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. MURDOCK. The gentleman seems to have investigated this subject, and I would like to ask him if I am under a wrong impression. I have been informed that the gas and electric light companies of this city do not present bills for electricity and gas to officers of the Army who are resident in Washington. Does the gentleman know whether that is true or not?

Mr. WEBB. I could not answer that, but I have heard that such is the case, though I can not vouch for its accuracy. I communicated with The Adjutant General's office this afternoon and asked what was the commutation allowance for a captain.

Mr. MURDOCK. An officer has commutation for gas and electricity?

Mr. HAY. He has a certain allowance for heat and light.

Mr. WEBB. It averages for a captain about \$19 a month for four rooms, whether he uses one room or four. The total allowance for his room rent by the year is \$576, and \$228 additional for heat and light, or a total of \$804 for four rooms, heat, and light per year.

Mr. COX. Who furnished the figures to the gentleman?

Mr. WEBB. The Adjutant General's office.

Mr. COX. It is authoritative, then?

Mr. WEBB. I suppose it is. Now, take a colonel, and he gets \$84 a month for room rent, \$30 a month for heat and light—a total of \$1,368 a year for room rent, heat, and light.

Mr. HELM. Mr. Chairman, does this colonel have some horses furnished him, and some provender, and a caretaker for the horses, and blacksmith service, and a stable in which to keep his horse, and heat and light for his horse?

Mr. WEBB. I have not investigated that yet, Mr. Chairman. I understand a colonel has a chance to buy a good horse which costs the Government \$75 or \$100 when it is young, and when it—

Mr. HELM. As a matter of fact, does he not get two instead of one?

Mr. WEBB. Yes; I think they all have plenty of horses and vehicles, and things like that, and a veterinary surgeon to doctor them, and maintenance.

Mr. BURKE of Pennsylvania. Does the gentleman regard \$110 a month as excessive to furnish a colonel of the United States Army with a home, and light and heat for the same?

Mr. WEBB. That depends very largely. In some instances it might not be too much and in others it might be a great deal too much.

Mr. BURKE of Pennsylvania. I am asking the gentleman to state it from the standpoint of the argument he is making in reference to these officers he has under observation.

Mr. WEBB. A colonel ought not to be allowed to draw room rent for eight rooms at \$12 each, and light and heat allowances, \$30, for that number of rooms and live in only two of them.

Mr. BURKE of Pennsylvania. If the Army officer is allowed so much money per annum to furnish him a home, has not he a right to choose whether he shall live in two comfortable rooms or six uncomfortable rooms?

Mr. WEBB. No; I think he ought to be paid what he necessarily and economically spends for room rent and heat and light.

Mr. MANN. Will the gentleman yield for a question?

Mr. WEBB. Yes, sir.

Mr. MANN. Congress having provided that the officer shall have that as a part of his compensation, is the officer to blame for taking it?

Mr. WEBB. I will reply to that by saying that Congress has never authorized, so far as I can find, giving these officers heat and light commutation in addition to the room rental. The Comptroller of the Treasury made that ruling and grafted it on to the congressional act.

Mr. MANN. We passed a law to that effect. Congress has specifically provided for the number of rooms, and also provided for the heat and light by law.

Mr. WEBB. Now, tell me what a captain gets for heat and light by law? I do not think it has ever been specifically authorized by law when the officer is away from Government quarters.

Mr. MANN. I can not tell the gentleman now. I know that we had it up when we had the Public Health Service under consideration, which was asking the same thing. We did not give it to them in the law passed at the last session. The gentleman was probably in favor of the bill that did give them that. We did not provide that in the public health bill, and I wanted to correct that matter at that time. Congress had provided by law compensation for rooms and for heat and light to the Army officers who did not have it furnished in kind.

Mr. HAY. And that is only to those who are not stationed at the Army posts.

Mr. MANN. Not furnished in kind.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WEBB] has again expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Texas [Mr. SLAYDEN] wish to occupy the time in his own right?

Mr. SLAYDEN. I intended to do so and to yield to the gentleman from North Carolina [Mr. WEBB].

The CHAIRMAN. Well, the gentleman can use time in his own right, and then the Chair will ask if the gentleman from North Carolina desires more time.

Mr. SLAYDEN. I will take the time in my own right as a member of the committee. I think the gentleman is in error when he says there is no law for heat, fuel, and light to officers who are occupying houses not at military posts, where they have quarters.

Mr. WEBB. If the gentleman will permit me, I said I thought the law originated by interpretation of the Comptroller of the Treasury. That is the first time we had it grafted on the law—heat and light allowance—as payable to these officers. It was built up by construction and interpretation.

Mr. SLAYDEN. I do not remember exactly the time the law was passed that did give them fuel and lights. I remember I was opposed to it. But it is a law, and it made a very material increase in the allowance to officers not stationed at military posts.

Now, there is no objection that I can see to an officer taking the allowances that are provided by Congress. If they are excessive, cut them down; but no just criticism can be leveled at a colonel or a man of any other rank for taking the compensation that is provided for him by law.

Mr. WEBB rose.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. WEBB] desire to submit a request?

Mr. WEBB. I would like to have five minutes, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield for just a moment?

Mr. WEBB. Yes.

Mr. BURKE of South Dakota. I want to call the gentleman's attention to a provision in the statutes. I agree with him in what he is contending for. I want to call the gentleman's attention to the statute authorizing payment for fuel and light. It provides:

That hereafter the heating and lighting actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States under such regulations as the Secretary of War may prescribe.

Now, under that language it is held that they could not pay for fuel and light that was not actually furnished.

Mr. WEBB. What is the date of that act?

Mr. BURKE of South Dakota. March 2, 1907. Now, as I understand it, what the gentleman is contending for is that they are being allowed for fuel and light a certain amount, although it has not been expended?

Mr. WEBB. Exactly; and that law, I think, applies to officers in Government quarters, and was not intended to be given them when detailed away from such quarters, but only an allowance for room rent.

Mr. BURKE of South Dakota. In other words, an officer who gets \$96 a month is allowed in cash \$36.

Mr. WEBB. Thirty-four dollars.

Mr. BURKE of South Dakota. It is under a regulation of the War Department, and the Auditor for the War Department held that that could not be done. But the Comptroller of the Treasury held otherwise and reversed the Auditor for the War Department, since which time they have been paying in cash to each one of these officers this amount. I think it averages about \$25 a month, if I am not mistaken; and to the officers located in the city of Washington it would be between fifty and sixty thousand dollars a year. It is based on the number of rooms.

Mr. WEBB. It was never intended, Mr. Chairman, that this allowance for heat and light should be grafted on the law as it has been. Let us give them enough room rent and stop heat and light allowance. It was no doubt understood that the room rent should include heat and light. It is ridiculous to provide that a colonel should have \$480 a year for heat and light alone. Usually heat and light are furnished with a rented room, or at least the room is heated. I do not censure officers for taking this allowance, for it is lawful for them to do so, but I am contending that we should change this ruling or law.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. WEBB. Certainly.

Mr. MANN. Is it not the experience of the gentleman, when it comes to renting quarters in the city of Washington, that they will take all you have got? [Laughter.]

Mr. WEBB. There is something in that, I will agree, especially if you are a Member of Congress.

Now, Mr. Chairman, I want to offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman will send it to the desk. The Clerk will report the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The Clerk read as follows:

Add, after "\$500,000," in line 24, page 13, the following: "Provided, That no part of this appropriation shall be expended in payment for heat and light to commissioned officers, dental surgeons, veterinarians, and pay clerks drawing commutation of quarters."

Mr. HAY. Mr. Chairman, I want to be frank with the gentleman. No part of this amount is paid for fuel and light, anyway. This is the pay for commutation of quarters. The money that is paid for heat and light is paid out of an appropriation for regular supplies. If the gentleman wants to offer an amendment, he ought to wait until we get to the item where the appropriation is made.

Mr. WEBB. I understood that this commutation was paid out of this particular appropriation of \$500,000.

Mr. HAY. No; fuel and light are not paid out of this. This is commutation of quarters.

Mr. WEBB. Does not commutation of quarters come under that head?

Mr. HAY. That is for the pay of room rent.

Mr. WEBB. Where does it come in?

Mr. HAY. Under supplies in the Quartermaster's Department.

Mr. BURKE of South Dakota. Mr. Chairman, in regard to that, may I ask the gentleman in charge of the bill a question?

The CHAIRMAN. Does the gentleman from North Carolina yield?

Mr. WEBB. Yes.

Mr. BURKE of South Dakota. Is any part of this money paid for heat and light?

Mr. HAY. No.

Mr. BURKE of South Dakota. Then the amendment should be offered to some other part of the bill.

Mr. HAY. I will say to the gentleman from North Carolina that the item to which he refers is carried on page 21, line 22:

For furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, for contract surgeons and contract dental surgeons when stationed at and occupying public quarters at military posts.

Mr. WEBB. Then I shall offer my amendment after the word "school," on page 22, line 2, and withdraw it for the present.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

For interest on soldiers' deposits, \$90,000.

For pay of translator and librarian of the military information section, General Staff Corps, \$1,800.

For pay of expert accountant for the Inspector General's Department, \$2,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. Is there any provision in the bill as presented for paying back soldiers' deposits?

Mr. HAY. That has been carried in the bill heretofore for paying back soldiers' deposits, but we were told it was not necessary to do it; that the appropriation that was made was not enough to pay them back, and therefore it was not necessary to have that appropriation.

Mr. MANN. Heretofore you carried the item, and now you say it is not necessary to carry it?

Mr. HAY. It is not necessary to carry the item.

Mr. MANN. But, of course, it is necessary to pay them back.

Mr. CULLOP. Mr. Chairman, I desire to ask the chairman of the Committee on Military Affairs a question for information. On page 14, line 6, is the item "For pay of expert accountant for the Inspector General's Department, \$2,500." Do they employ accountants outside or some person connected with the department or the Army to do this work? If it is done by men in the department, do they pay them extra compensation for it?

Mr. HAY. No. This is one particular man, who is the expert accountant of the Inspector General's Department.

Mr. CULLOP. Is he connected with the department?

Mr. HAY. He is connected with the Inspector General's Department. He is the only expert accountant connected with that department.

Mr. CULLOP. It is not an outside man, then, employed for the purpose?

Mr. HAY. Oh, no. This has been in the bill for a good long time.

The Clerk read as follows:

For mileage to officers, dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, \$550,000.

Mr. HAY. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the clerk will report.

The Clerk read as follows:

Page 14, line 20, after the word "surgeons," insert the words "acting dental surgeons."

Mr. MANN. All the gentleman needs to do is to insert the word "acting," as the words "dental surgeons" are already in the bill.

Mr. HAY. Yes; that will do it.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. HAY. I withdraw my amendment and move to amend by inserting the word "acting" before the word "dental," in line 20.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 20, insert, before the word "dental," the word "acting."

The amendment was agreed to.

Mr. COX. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the clerk will report.

The Clerk read as follows:

Amend, page 14, by striking out lines 20, 21, 22, and 23 and inserting in lieu thereof the following:

"For mileage to officers, dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, \$392,855: *Provided*, That hereafter all officers of the Army when traveling under orders shall be paid their actual traveling expenses and no more."

Mr. MANN. I reserve a point of order on the amendment.

Mr. HAY. So do I.

Mr. COX. In order to make the amendment conform to the section as already amended by the committee, I believe my amendment should contain the word "acting" before the word "dental."

Mr. MANN. The gentleman does not change the wording of the paragraph. He simply changes the amount and adds a proviso.

Mr. COX. That is all. Is the gentleman from Illinois going to make the point of order?

Mr. MANN. I think I will in the end. I think it is subject to the point of order.

Mr. COX. I do not think the amendment which I have submitted is subject to a point of order.

Mr. HAY. Suppose we have that disposed of first.

Mr. COX. Yes; it had just as well be disposed of now as afterwards.

Mr. MANN. Mr. Chairman, it seems to me that precisely the same question arises here on the point of order that arose on the amendment offered by the gentleman from Connecticut [Mr. TILSON]. The gentleman from Indiana [Mr. Cox], in his amendment, offered to reduce the amount, with a provision that officers shall be paid their actual expenses. I know of no way by which anybody can determine whether the actual expenses of officers will be greater than the amount allowed now by law. It is a mere matter of argument to say that they will, and I understood the Chair awhile ago to make the ruling that the reduction of the amount was not of itself sufficient to bring an amendment within the Holman rule, unless on the face of the amendment or in connection with the statement made to the Chair it appeared that the legislation proposed would in fact accomplish the reduction.

I do not know how anyone can tell. A few years ago there was a provision inserted in a bill in the House here authorizing the payment of an Army officer or a naval officer his actual expenses, which were four or five times the amount then authorized by law, and necessarily so.

Mr. HAY. If the gentleman will allow me the interruption I will make this statement, in support of what he has said: Under the present law an officer receives 7 cents a mile, which includes subsistence at the point to which he is ordered. For example, suppose an officer stationed at Fort Sheridan is ordered down into Missouri to buy mules, and he stays there 7 or 10 days, or 2 weeks, on that service. He gets only the 7 cents a mile between Chicago and the point to which he goes, and has to subsist himself during that 10 days or 2 weeks on the 7 cents a mile. So that, as the gentleman says, the actual expenses would be very much more than the 7 cents a mile. And I may say to the gentleman that this matter has been threshed out, about this mileage of officers, over and over again. Various methods have been sought to be arrived at in order to decrease this item, but it was found that after all the best way to decrease it was to give them the 7 cents a mile, rather than to give them the actual expenses, and it is very evident that a man's actual expenses in traveling can be made to be very much more than if the allowance is a fixed sum; for instance, 7 cents a mile. I really think there is no way of finding out whether or not this will be a reduction.

Mr. BURKE of Pennsylvania. Will the gentleman allow a suggestion in that connection?

Mr. HAY. The gentleman from Illinois has the floor.

Mr. MANN. I yield to the gentleman from Pennsylvania.

Mr. BURKE of Pennsylvania. At the time the hearings were held, Gen. Aleshire was asked whether or not the experience of the department in these two methods had not resulted in leading to the inevitable conclusion that the present mileage system was the cheaper and the more economical for the United States Government? I think the chairman of the committee will recall that fact. His statement is the only record on the subject which there is before us.

Mr. HAY. Gen. Aleshire said in the hearings—

Mr. KAHN. At page 66.

Mr. HAY. Gen. Aleshire said—

I believe it would cost the Government more if they undertook to pay the actual traveling expenses, but I believe it would be better for the officers—

That is, that the officer would get more out of it than they do under the present system.

Mr. MANN. Mr. Chairman, I believe I am in sympathy with what the gentleman from Indiana [Mr. Cox] is seeking to accomplish. I have no doubt there have been abuses about this mileage.

In the investigation that I made in connection with the Public-Health Service there was bitter complaint many times that it cost officers more than they received, and I have heard the same complaints about the Army. That, however, goes only to the point of order. I do not think the amendment shows that it would effect any reduction in the expenditures to the Government, and personally I do not believe that it would effect any reduction.

The CHAIRMAN. The Chair will say that the principle of the Holman rule, as the Chair understands it, was stated a moment ago by the gentleman from Illinois. So the burden is on the gentleman from Indiana to show reasonably and sufficiently that the operation of the legislation would bring about the result.

Mr. COX. Mr. Chairman, if I understand parliamentary law, the burden is always on the person who makes the point of

order to show that the point of order is well taken, but I am willing to abide by the suggestion of the Chair. I do not know whether I will be able to do it, but I will undertake it. The suggestion of the gentleman from Illinois as to the amendment offered by the gentleman from Connecticut a moment ago being decisive of this case, I do not think it is parallel at all. I do not believe the Chair will have great difficulty in distinguishing between the amendment offered by the gentleman from Connecticut as applied to the Holman rule, and the amendment offered by myself when the Holman rule is applied to it. If I understood the amendment of the gentleman from Connecticut offered a moment ago, under which the Holman rule was sought to be invoked to make his amendment germane to the bill, it was that his amendment on its face showed that it failed to reduce expenditures. When an Army officer is retired, no matter at what age—62 or 64—he is retired at three-quarters pay. Then if the gentleman's amendment had obtained and the officer had been restored to active duty he would naturally have been restored to the pay he was drawing at the time and before he was retired. Therefore it was disclosed upon the face of the amendment that it did not reduce expenditures, but, on the contrary, as the chairman of the Military Committee well argued and as the Chairman finally took the view of it, it increased expenditure.

So I can readily see, unless I am mistaken, a vast difference between the two, and a difference in the line of argument between the amendment offered by the gentleman from Connecticut and mine when the Holman rule is applied to both of them.

Now, then, as the Chair has announced that the burden is on me to show that my amendment does reduce expenditure, I will try and demonstrate it. I take it that the Chair has a perfect right to surround himself with all the physical facts and circumstances connected with this particular item. I remember when I began the practice of law, one of the first principles I ever learned from the law books was that the court judicially knew certain things; that no proof was required one way or the other to substantiate or maintain them. I ask this Chair whether or not it is not fair to invoke the same rule when the Chair comes to pass upon the point of order made against the amendment which I submit? If it be fair, I say to the Chair that almost universally the rule of railroads over this country, of which I know of no exception, especially the trunk lines, transport people for 2 cents a mile. I take it the Chair or any other person can travel from Washington City to San Francisco at a rate of 2 cents a mile, and from Chicago to New Orleans at the same rate.

Mr. HAY. Does the gentleman understand that in this 7 cents a mile, when they get to the point to which they are ordered that they have to pay their subsistence out of it?

Mr. COX. Yes; I understand that. I repeat, and put it to the Chair, that the Chair has a right to judicially take cognizance of the fact that, as far as the ordinary transportation is concerned, you can travel all over the United States on the trunk lines at 2 cents a mile.

Mr. TILSON. Will the gentleman yield?

Mr. COX. Not just now.

The CHAIRMAN. The Chair will take cognizance of that fact.

Mr. COX. To that, Mr. Chairman, must be added the Pullman service. To that must be added the food while traveling on the train. At the ordinary rate of travel, a passenger train will travel per day, I take it, 750 miles. An Army officer traveling that distance would get approximately \$50 or a little more. And yet, if the Chairman please, paying his 2-cent fare, \$4 for Pullman fare, allowing him \$2 or \$3 per meal for his three meals a day would amount to less than \$25. So he has \$25 absolutely to his credit.

Now, the amount allowed in my amendment is 5 cents a mile, and that is the amount that is allowed in most instances to witnesses attending court. That is what the Federal Government allows their witnesses when they subpoena them all over the country to attend courts and trials. They give them 5 cents a mile, and I have never heard it argued for a moment that it was too small.

Mr. KAHN. Will the gentleman allow me?

Mr. COX. Yes.

Mr. KAHN. If the gentleman will remember, during the trial of the Hyde-Benson cases in Washington there was complaint—

Mr. COX. I only yielded to the gentleman for a question.

Mr. KAHN. The gentleman does not want to misstate the facts.

Mr. COX. The gentleman can make his statement in his own time. I looked up the question of mileage, and I find it has been changed several times. I do not know that I have all the

citations bearing on the question of mileage. In 1873 Congress passed an act giving the Army officers 10 cents a mile while traveling under orders. It was 10 cents a mile from 1873 to 1876, when it was reduced to 8 cents a mile. In 1885 it was put on an actual-expense basis. I am not clear, Mr. Chairman, how many years it remained on the expense basis nor have I looked that question up, but in 1905 it was then put on a 4-cents-a-mile basis, and in 1890 it was increased to 7 cents a mile, where it has remained ever since.

Now, that shows to my mind, Mr. Chairman, one thing conclusively, and that is that these Army officers have had an awful struggle in order to get the tremendous mileage question finally settled. It was evidently found at one time that 10 cents a mile was too much; at another that 8 cents a mile was too much. Whether or not it was found that the actual-expense basis was not satisfactory to the Army officers I do not know, or whether it was further found at one time that the 4-cents-a-mile basis was not sufficient I do not know.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. COX. Certainly.

The CHAIRMAN. What is the mileage allowance now?

Mr. COX. Seven cents a mile.

The CHAIRMAN. What is that intended to cover?

Mr. COX. It is intended to pay traveling expenses, train fare, Pullman fare, food on the train, and I expect where they stop at hotels in places where they do not have Army quarters, it is also to pay their hotel bills. If I understood the chairman of the committee a moment ago, he said he did not know any plan or any way whereby it could be determined as a question of fact whether or not 7 cents a mile was too much or whether if they be put upon the actual expense basis that would amount to more than 7 cents a mile. I recall this instance, and it is a matter of record since I have been in this Congress. I think I have repeated it before, and at the risk of repetition, I will repeat it again. Up until three or four or possibly five years ago all post-office inspectors were paid \$4 per diem. I raised the question in the Post Office Committee. It was strenuously argued there and insisted upon that post-office inspectors could not get along for anything less than \$4 per diem. Finally the Postmaster General made this agreement, to make a test case out of it, that he would try the post-office inspectors and put them on the actual expense basis, if I recall correctly, for three months, with a view of seeing whether or not \$4 per diem was too much and with a further view of seeing whether or not the per diem could be reduced and whether or not it would be better to put them on the actual expense basis. What was the result? Mr. Chairman, after three months' experience it was found that if the post-office inspectors were reduced from \$4 to \$3 per day it would save this Government sixty thousand dollars and odd a year, if I recollect correctly, and I do not want to misquote it. It was further found by a matter of calculation, by reducing the per diem from \$4 to \$3, that that would practically equal the actual expense basis, and it was reduced to \$3 per day.

I merely repeat that for the purpose of meeting the argument made by the chairman of the Military Committee, if I remember his statement correctly, when he said that he knew of no way whereby this question could be determined whether or not 7 cents a mile was too much and whether or not, if it be put on the actual basis, it would amount to more than 7 cents a mile. Let a test be made by putting it on the expense basis.

The CHAIRMAN. Will the gentleman permit me to ask another question?

Mr. COX. Certainly.

The CHAIRMAN. If an officer is ordered from one post to another he has an allowance of 7 cents a mile?

Mr. COX. Yes.

The CHAIRMAN. As the Chair understands it, that is to cover the railway fare, Pullman fare, and meals on the train?

Mr. COX. Yes.

The CHAIRMAN. When he reaches his place of destination he is provided for there in some other way?

Mr. COX. No.

The CHAIRMAN. When he reaches his destination, if he stops in a town or a city where there are no Army quarters, out of this 7 cents a mile he pays his hotel bills?

Mr. COX. I think that is correct.

Mr. HAY. It is only when he is traveling on orders that he gets the 7 cents a mile at all.

Mr. COX. Yes; but he may be traveling from one Army post to another Army post, and while traveling between those two points he gets his 7 cents a mile, and when he reaches his final destination, if it is an Army post, it does not cost him anything to stay there.

The CHAIRMAN. That is the fact that the Chair is trying to develop.

Mr. ANTHONY. Mr. Chairman, I think the gentleman is mistaken.

Mr. COX. I do not think I am, and I refuse to be interrupted, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield. Those are the facts the Chair is trying to develop. What do the records show as to the proportion of traveling between posts and posts?

Mr. HAY. Mr. Chairman, in order that the Chairman may be informed, whether the gentleman from Indiana is or not, I will state that there is no allowance of 7 cents a mile paid to an Army officer for traveling from one post to another when he is ordered to change stations. It is only when he is traveling on orders away from his post to some other place, like Chicago or Omaha, where he is sent on duty, that he gets the 7 cents a mile. He does not get 7 cents a mile every time he goes from one Army post to another. He does not get 7 cents a mile when he comes from the Philippine Islands here, when his regiment or command is ordered from the Philippine Islands here.

Mr. COX. But that is covered by another statute entirely. When he is traveling outside of the United States he draws his mileage under another statute, which pays less than 7 cents per mile.

Mr. HAY. He does not get anything personally.

The CHAIRMAN. If he is ordered from Washington to Chicago or to some place where there is not an Army post, and he has to stay there in connection with that assignment for a week or less or more, does he have to pay his own expenses out of that allowance of 7 cents a mile?

Mr. HAY. Yes; out of his own pocket.

Mr. COX. But if he goes to an Army post, then he is not required to pay anything out of the 7 cents a mile.

Mr. ANTHONY. Mr. Chairman—

Mr. COX. Mr. Chairman, I believe I have the floor.

Mr. ANTHONY. Does the gentleman want to talk all of the time?

Mr. COX. No; but the chairman has thrown the burden upon me of showing that my amendment reduces or tends to reduce expenditures, and I want to do it if I can.

Mr. HAY. Oh, I think the gentlemen ought, when he makes a statement, if we happen to know that he is mistaken in that statement, to permit us to correct him so that the Chair may be properly informed.

Mr. COX. If I make an erroneous statement, they can correct me in their own time, Mr. Chairman.

The CHAIRMAN. The Chair will state the exact status. The gentleman from Indiana has the floor. He can not be interrupted by other gentlemen except with his consent. If he yields, very well; if he declines to yield, the gentleman from Indiana is within his rights. Any request, of course, must be directed to the gentleman from Indiana.

Mr. COX. I will state to the Members that when I reach the point I will readily yield. I do not want to present an erroneous statement at all, but I never could present a matter satisfactorily to myself with several persons picking at me, and the only person I am trying to satisfy now is myself.

Now, Mr. Chairman, with all due deference to the committee that investigated this item, a very small amount of evidence was brought out, and I am now going to call attention to the hearings before the committee on this question with a view of meeting the question of whether or not my amendment is within the Holman rule, as far as the evidence developed by the committee sheds any light on the subject. It only covers a little more than one page. No request is made here at all by the chairman of the Military Committee or any member of the committee in order to let us determine this question in some way or other by putting this, at least for a period of time, upon the actual expense basis and trying it out with a view of seeing whether or not 7 cents a mile was too much or too little. And I want to state here, Mr. Chairman, that I am not caring so much about the economy of the proposition, although I do believe that 5 cents a mile would be sufficient, and, if my amendment obtains, it will save one hundred and fifty thousand and odd dollars, and while this is small, yet it is an item worthy of being looked after. But that is not the primary purpose of my amendment, Mr. Chairman, at all. My purpose not only in this amendment, but in all mileage propositions, is to bring the Government as near as we possibly can upon the same basis that all business men treat these propositions. No business concern in all this country would think of paying their employees mileage. The argument that this is not enough does not appeal to me, and should not appeal, in my candid judgment,

to anybody else. I mean the amount carried in my amendment, which is 5 cents per mile.

Now, reading from the hearings on page 66:

Mr. LEWIS. Have you any figures that would throw light upon that proposition?

Gen. ALESHIRE. I do not know, sir.

Mr. KAHN. If an officer were sent to some out-of-the-way post, like Sequoia National Park, his transportation by stagecoach would cost him almost 7 cents a mile.

Well, that is an isolated case. Not many Army officers travel to-day, I imagine, by stagecoach. Why was this isolated case selected?

And then the following:

Mr. SLAYDEN. Is it not true, General, that mileage has been made a very considerable source of profit to some officers, somewhat to the scandal of the service on occasion?

Gen. ALESHIRE. I do not know, Mr. SLAYDEN.

Mr. SLAYDEN. Omitting the last part of that question, is it not true that mileage has been made a source of considerable profit on occasion?

Gen. ALESHIRE. I think perhaps there are some officers who draw more mileage than others, but I would rather not express an opinion.

Mr. MCKELLAR. Why do dental surgeons and veterinarians have to travel? Do they not have one at each post ordinarily?

Gen. ALESHIRE. They are mentioned specifically there because their allowances are those of a second lieutenant. All commissioned officers get mileage, and therefore they include dental surgeons and veterinarians. They do not travel very much.

Mr. LEWIS. Suppose an officer takes a trip to Chicago, which is about 900 miles. That would amount to \$63 going there and \$63 coming back, \$126. Let us say he is a day at Chicago. The actual train fare would be about 2½ cents a mile, which would include Pullman fare. His whole expense would be about \$55 and his allowance \$126.

I have read that, Mr. Chairman, for the purpose of showing that there was not much testimony before the committee upon this question. But I repeat what I said a moment ago, that the amendment which I have offered reduces this appropriation \$157,000. It is a separate and independent amendment when you undertake to apply the Holman rule to it and the amendment offered by the gentleman from Connecticut [Mr. TILSON] a moment ago. Again, as I said a moment ago, under the rulings of the Chair heretofore made, if it can be fairly inferred from the fact set out in the amendment that it tends to reduce expenditures, then it comes within the Holman rule. Now, does it reduce expenditures or even tend to secure expenditures? If it does, the point of order is not well taken. Meeting that question or that query, I will put it to the Chair to take under consideration the usual modes of travel in this country. As Mr. LEWIS puts it here, the average rate of travel, paying Pullman fare, would be 2½ cents a mile. The proviso which I intend to make permanent law, if the committee chooses to pass it when taking all the facts and circumstances into consideration, which the Chair will judicially notice, tends to reduce expenditures under this item.

The CHAIRMAN. The Chair will ask, taking off the cost of Pullman fare, railroad fare, the meals on the train, what expenses are to be paid out of the 7 cents a mile?

Mr. COX. Well, I think I have told the Chair.

The CHAIRMAN. The Chair means in addition to the railway fare and Pullman fare and the cost of meals on the train.

Mr. COX. Nothing, except when they stop at cities where there is no Army post, and at those places they have to pay their expenses.

Now, in that connection, Mr. Chairman, there is but one great department of this Government that has had the nerve to recommend to Congress that its mileage be repealed. The Department of Commerce and Labor in its recommendation has asked Congress to repeal their mileage and put them on an actual expense basis, and on the strength of their recommendation I wrote them a letter as to how much it would save this country, and the reply was that it would save \$15,000 a year. The Department of Commerce and Labor, recognizing this evil, in its recommendation this year recommends that their employees be taken off the mileage basis and that they be paid on the actual expense basis. And I understand most of the employees who will be affected there are Army officers, and for this recommendation I desire to heartily commend this great department. So if it will work economy and save \$15,000 a year to put the employees of the Department of Commerce and Labor on an actual expense basis, when most of their employees who would be thus affected are officers of the Army, why will it not be economy to put all the officers when traveling under orders on an actual expense basis?

The CHAIRMAN. What was the mileage allowance of the Department of Commerce and Labor?

Mr. COX. I think 7 cents a mile.

Mr. HAY. What has been the result since they have had the actual expense basis?

Mr. COX. They are not on the actual expense basis. The Department of Commerce and Labor recommends that their de-

partment be taken off the mileage basis and put on the actual expense basis, and this recommendation was only made this year. When the head of a great department shows a Democratic House how we can economize and save the country \$15,000, are we going to turn a deaf ear to it? Is this in line with the economy we have talked so long and loud about?

Mr. HAY. Then it will be very much better for the employees because they will get more money out of it.

Mr. COX. No. The Secretary of Commerce and Labor says they will save \$15,000 a year by it, and I imagine the Secretary knows just what he is talking about. The Democratic Party pledged the people economy. Here is a Republican Secretary of the Department of Commerce and Labor telling us where we can save money and asking us to do it, and we are putting ourselves in the attitude of refusing it.

Mr. BURKE of Pennsylvania. Mr. Chairman, the Chair has indicated that he is desirous of determining this question on the record. The gentleman from Indiana, in sustaining the burden that has been placed upon him, fortifies himself in a very ingenious special plea by quoting from the testimony of Gen. Aleshire, beginning at the foot of page 66 in the hearings had before the Committee on Military Affairs. And if the Chair will take the pains to consult the very line at which the gentleman from Indiana began his reading, the Chair will be impressed with the fact that the gentleman from Indiana began just where Gen. Aleshire left off the important or salient points of his testimony in this regard. The Chair wishes, as I understand, to determine whether or not this provision will result in an actual decrease of the expenses of the Government?

The CHAIRMAN. That is what the Chair inquired about.

Mr. BURKE of Pennsylvania. There is but one record available, and that, so far as this committee is concerned, is the record of the hearings and the testimony of the Army officer in charge of this particular expenditure, under the examination and the cross-examination of the Committee on Military Affairs; and Gen. Aleshire, the authority on this subject, was asked this specific question:

What sort of mileage allowance is actually made them? Is it the actual cost of transportation?

The CHAIRMAN. On what page is that?

Mr. BURKE of Pennsylvania. On page 66. Here is the answer:

Gen. ALESHIRE. No, sir; they get 7 cents a mile.

Mr. LEWIS. A dental surgeon gets 7 cents a mile?

Gen. ALESHIRE. Yes, sir; when he is making certain journeys; and the order provides that the travel is necessary in the public service.

Mr. LEWIS. What is the idea of giving him 7 cents when 2 cents would pay his fare?

In the answer that follows, Gen. Aleshire covers the question put by the Chair. Here is Gen. Aleshire's answer:

Gen. ALESHIRE. Perhaps I can better answer that by referring to the experience of an officer assigned to duty purchasing animals. This officer would be ordered from Chicago, his station, to a point in Missouri or Kentucky, where he would remain for 10 days or two weeks, receiving 7 cents a mile going and returning. All hotel bills and other expenses incident to the journey and absence from his station.

Now mark, Mr. Chairman, how comprehensive that is:

All hotel bills and other expenses incident to the journey and absence from his station, in addition to the cost of transportation, must be paid from the mileage allowance, and if this is not sufficient the deficit must be met from the officer's private funds.

Now, that is the record so far. That answers the question as to what burden is borne by the officers whose allowance is here in question. The examination proceeds:

Mr. KAHN. You also have to pay your Pullman fare out of that allowance?

Gen. ALESHIRE. Everything; and the 7 cents a mile is simply to enable an officer to provide his own transportation and pay his other expenses as far as he can while he is on such a journey. For instance, an officer sent to Chicago from St. Louis received 7 cents a mile and remained at Chicago six months, living at a hotel.

That is all he would be entitled to; an aggregate of 14 cents a mile between the city of Chicago and the city of St. Louis. I read further:

Mr. LEWIS. Of course, a special case could be cited to sustain almost any proposition; but would it not be better to give them actual expenses?

Now, here is the testimony of the expert, the one man of experience, and the only testimony that the Chair has before him:

Gen. ALESHIRE. I believe it would cost the Government more if they undertook to pay the actual traveling expenses and allowances, but I believe it would be better for the officers.

In other words, it would be more remunerative for the officers if the change suggested by the gentleman from Indiana were to be made and more burdensome to the Government.

Now, at that point the gentleman from Indiana began to read, and all that I have read the gentleman from Indiana omitted, and the gentleman from Indiana, furthermore, added

the suggestion that there was very little testimony taken on the subject. Of course there was very little testimony taken on the subject if the gentleman's observation, so far as the record is concerned, began at the foot of the page instead of at the head of the page.

Now, if there is any other testimony that any other gentleman on the committee can submit that will refute the testimony of the individual in charge of these disbursements, an officer of long years' experience, then it is in the province of the gentleman from Indiana to submit it, and by refuting it possibly get in a position where he can successfully controvert the argument of the chairman of the committee who has reported this bill, and that of the gentleman from Illinois who makes the point of order. But until he has refuted it with something better than mere hearsay, I think the Chair ought to have very little difficulty in deciding that the point of order is well taken.

Mr. KAHN. Mr. Chairman, the gentleman from Indiana starts out with a false premise. He says you can travel on any of the trunk lines of this country for 2 cents a mile. I have just taken occasion to ring up one of the agents of one of the transcontinental trunk lines of this country, and he tells me that in the ride across the continent there are parts of the line on which the fare is from 3 to 4 cents a mile, especially between stations. There are stretches of railroad in the West where they could not afford to carry passengers for 2 cents a mile, by reason of the fact that they pass station after station where they do not take on any passengers at all. So they charge from 3 to 4 cents a mile.

Mr. COX. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. COX. Does the gentleman mean to say that they charge from 3 to 4 cents a mile on through tickets on any trunk line?

Mr. KAHN. I say on some portions of the line.

Mr. COX. That is not the question I am propounding to the gentleman.

Mr. KAHN. That is what I said.

Mr. COX. Does the gentleman say it costs 3 or 4 cents a mile from the city of Washington to Seattle?

Mr. KAHN. No; I said on portions of the line. Of course the gentleman knows, if he knows anything about the proposition, that a through ticket is sold for a certain amount.

Mr. COX. For \$63 from here to Seattle.

Mr. KAHN. I think the gentleman is mistaken about that amount.

Mr. COX. No; I have called up and found out.

Mr. KAHN. I know it is more than that from here to San Francisco, and I believe from here to Seattle is a greater distance than from here to San Francisco; but the total amount is distributed between the various roads that carry the passengers. Here in the East the trunk lines do carry passengers for 2 cents a mile; but when you get west of Chicago, and especially west of the Missouri River, you pay from 3 to 4 cents a mile. Those are the facts. Officers are frequently sent from Chicago to Cheyenne, from Chicago to Denver, from Chicago to Seattle, and on those western roads they can not travel for 2 cents a mile.

The CHAIRMAN. Are any further remarks desired?

Mr. COX. I just want to say a word, in response to the statement of my friend the gentleman from Pennsylvania [Mr. BURKE], that I did not read all that Gen. Aleshire said. That is true; but, Mr. Chairman, the absolute physical facts meet Gen. Aleshire and convince this committee, on a moment's consideration, that he did not know what he was talking about. By the physical facts I mean the very things to which I called the attention of the Chair awhile ago as to the cost of travel in this country.

The idea that the Army are in favor of economy in this thing is absurd to me. It is ridiculous. It is laughable. If they were not making money out of it they would be up here at every opportunity they got, insisting upon additional mileage pay.

To repeat, if the Chairman please, I insist seriously that the point of order is not well taken. My amendment shows a reduction of expenditures on its face, and the part which I propose to make permanent law, taken in connection with all the physical facts concerning it, tends to show a reduction of expenditures, so far as this item is concerned, and the point of order should be overruled.

The CHAIRMAN. Before ruling the Chair will make a statement of the essential facts. The principle of the ruling having been heretofore announced, it is unnecessary to restate it.

First with relation to the reduction in the total amount, it may be stated that an amendment to this effect does not need the authority of the Holman rule to make it in order. The gentleman from Indiana can offer an amendment affecting a reduction in any aggregate total without reference to this rule.

Now in respect to the legislative portion of the amendment, the Chair will say that if the allowance of 7 cents a mile was merely intended to cover the cost of railroad transportation, the Pullman cost, tips, and meals on the train, the Chair would not have the slightest hesitation in reaching the conclusion that a provision for actual expenses would necessarily reduce expenses, having reference to facts of the cost of railway travel that are matters of common knowledge.

But another feature is presented. It appears that this allowance of 7 cents a mile is intended to cover other expenses than the cost of travel on the railways, tips, Pullman fares, and the cost of meals. When the party entitled to this allowance reaches his destination, his expenses for an indefinite period are paid out of this same fund. Sometimes the allowance might be more than sufficient to pay the costs of travel, and the further costs accruing at the point of destination. At other times this allowance might be insufficient. Having reference to the entire body of expenses it is a matter of speculation, whether an allowance of 7 cents a mile, or the payment of actual expenses would be the cheaper policy for the Government. But looking in the hearings to the testimony of one man who ought to have some practical, I might almost say expert knowledge on the subject, (I refer to the testimony of Gen. Aleshire), I find that he states that in his judgment, under the policy of paying actual expenses, as compared with an allowance of 7 cents a mile, the Government would be the loser, and the officers the gainers.

Having in mind all the facts, including the statement of this witness how can the Chair conclude that this amendment will reasonably and sufficiently operate to reduce expenses? And yet to hold that this amendment is in order the Chair must be reasonably satisfied that the legislative portion of the amendment operating of its own force will effect a reduction of expenditures. This is the whole question as the Chair sees it, and so far as the Chair is apprised this amendment will not necessarily effect a retrenchment.

There seems to be such a succession of rulings necessary to be made under the Holman rule, that the Chair would be very glad to have an appeal taken from some one ruling, and the question of principle involved, affirmatively settled by the committee. The Chair has no pride of opinion. He merely desires to see the controlling principle of interpretation correctly and authoritatively announced. On an appeal, the committee could determine whether this amendment will operate with reasonable certainty to reduce expenditures. Unless it will so operate, it is not in order. The Chair sustains the point of order to the amendment.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, and had come to no resolution thereon.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN, from the Committee on Rivers and Harbors, reported a bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1341), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

Mr. SPARKMAN. I desire to give notice that I wish to call up this bill for consideration immediately after the conclusion of the Army appropriation bill.

IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I desire to present the conference report on the immigration bill, S. 3175, an act to regulate the immigration of aliens to and the residence of aliens in the United States.

The SPEAKER. It will be printed, under the rule.

Mr. SABATH. Mr. Speaker, is it necessary to now reserve points of order against the conference report?

The SPEAKER. The gentleman can reserve them now or make them some other time.

Mr. SABATH. I do not desire to be deprived of my rights.

The SPEAKER. The gentleman can make his points of order before the statement is read.

Mr. BURNETT. Mr. Speaker, I give notice that I will call this report up immediately after the reading of the Journal in the morning.

BRIDGE ACROSS THE ILLINOIS RIVER NEAR HAVANA, ILL.

Mr. GRAHAM. Mr. Speaker, I call up from the Speaker's table a similar bill, being on the House Calendar, the bill (S. 7637) authorizing the construction of a bridge across the Illinois River near Havana.

The SPEAKER laid the bill before the House, which the Clerk read, as follows:

Be it enacted, etc., That Chicago, Peoria & St. Louis Railroad Co., a corporation organized and existing under and by virtue of the laws of the State of Illinois, and its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Illinois River, at a point suitable to the interests of navigation, at or near the city of Havana, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar House bill will lie on the table.

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 20339. An act for the relief of Joseph W. McCall.

EXPENSES OF INVESTIGATIONS ORDERED BY THE SENATE.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report the following Senate joint resolution, and ask unanimous consent for its present consideration in the House as in Committee of the Whole. (H. Rept. 1342.)

The Clerk read as follows:

Senate joint resolution 150.

Joint resolution appropriating \$40,000 for expenses of inquiries and investigations ordered by the Senate.

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following sum:

"For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, to be immediately available, \$40,000."

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

The resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Rivers and Harbors was discharged from the consideration of the bill (H. R. 25518) for constructing a fish ladder over Derby Dam, Truckee River, Nev., and the same was referred to the Committee on Irrigation of Arid Lands.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Friday, January 17, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of Commerce and Labor, transmitting a statement of expenditures in the Coast and Geodetic Survey for the fiscal year ended June 30, 1912 (H. Doc. No. 1271); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John A. Kress v. The United States (H. Doc. No. 1272); to the Committee on War Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lorenzo W. Cooke v. The United States (H. Doc. No. 1273); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Daniel C. Pearson v. The United States (H. Doc. No. 1274); to the Committee on War Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Abner H. Merrill v. The United States (H. Doc. No. 1275); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Quincy O'M. Gillmore v. The United States (H. Doc. No. 1276); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court filed in the case of Charles E. L. B. Davis v. The United States (H. Doc. No. 1277); to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court filed in the case of Edward Davis v. The United States (H. Doc. No. 1278); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GRAHAM, from the Committee on Expenditures in the Interior Department, submitted a report (No. 1336) in the matter of the investigation of the White Earth Reservation, situated in the State of Minnesota, with transcript of testimony taken and exhibits offered from July 25, 1911, to March 28, 1912, which report was referred to the House Calendar.

Mr. HENSLEY, from the Committee on Expenditures in the Interior Department, submitted a report (No. 1335) in the matter of the investigation of charges that the Interior Department permitted the unlawful fencing and inclosure of certain lands of the public domain in the States of Colorado and Wyoming, and more particularly the fencing and inclosure of 46,330 acres of public lands in Wyoming and 1,120 acres in Colorado by the Warren Live Stock Co., which said report was referred to the House Calendar, together with the minority views.

Mr. BRANTLEY, from the Committee on Ways and Means, to which was referred the resolution (H. Res. 767) requesting from the President of the United States information concerning the exemption of American importers of manila hemp from payment of the export tax thereon, reported the same with amendment, accompanied by a report (No. 1338), which said resolution and report were referred to the House Calendar.

Mr. STAYDEN, from the Committee on Military Affairs, to which was referred the bill (H. R. 27875) authorizing the President to convey certain land to the State of Texas, reported the same with amendment, accompanied by a report (No. 1337), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRANTLEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 27323) to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, reported the same without amendment, accompanied by a report (No. 1339), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LEVY, from the Committee on Claims, to which was referred the bill (H. R. 28056) for the relief of Albert W. Phelps, reported the same with amendment, accompanied by a report (No. 1304), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28043) for the relief of the legal representatives of the estate of Robert B. Pearce, reported the same without amendment, accompanied by a report (No. 1305), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28075) for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia, reported the same without amendment, accompanied by a report (No. 1306), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28040) providing for the refund of certain duties incorrectly collected on wild-celery seed, reported the same without amendment, accompanied by a report (No. 1307), which said bill and report were referred to the Private Calendar.

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (H. R. 28063) for the relief of Thomas Haycock, reported the same without amendment, accompanied by a report (No. 1308), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28080) for the relief of W. W. Blood, reported the same without amendment, accompanied by a report (No. 1309), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (H. R. 28090) for the relief of Preston B. C. Lucas, reported the same with amendment, accompanied by a report (No. 1310), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 28072) for the relief of H. A. Shirkey, reported the same without amendment, accompanied by a report (No. 1311), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (H. R. 28050) for the relief of Wickliff Fry, for horse lost while hired by the United States Geological Survey, reported the same with amendment, accompanied by a report (No. 1312), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 28084) for the relief of Thomas R. Mason, reported the same without amendment, accompanied by a report (No. 1313), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 391) to reimburse William Van Derveer, of Millboro, Va., for excess revenue taxes assessed against and collected from him, reported the same without amendment, accompanied by a report (No. 1314), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4166) for the relief of Lawson Reno, collector second district of Kentucky, reported the same without amendment, accompanied by a report (No. 1315), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 19445) for the relief of Edward William Bailey, reported the same with amendment, accompanied by a report (No. 1316), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 28077) for the relief of the estate of William D. Allen, reported the same with amendment, accompanied by a report (No. 1317), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28034) for the relief of James Stanton, reported the same without amendment, accompanied by a report (No. 1318), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 28092) for the relief of Mrs. L. A. Royster, reported the same with amendment, accompanied by a report (No. 1319), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 28057) for the relief of Amanda Honert, reported the same without amendment, accompanied by a report (No. 1320), which said bill and report were referred to the Private Calendar.

Mr. MAGUIRE of Nebraska, from the Committee on Claims, to which was referred the bill (H. R. 28047) for the relief of John Streckfus, reported the same with amendment, accompanied by a report (No. 1321), which said bill and report were referred to the Private Calendar.

Mr. FOWLER, from the Committee on Claims, to which was referred the bill (H. R. 28058) for the relief of James A. Shown, reported the same with amendment, accompanied by a report (No. 1322), which said bill and report were referred to the Private Calendar.

Mr. POUL, from the Committee on Claims, to which was referred the bill (H. R. 28044) for the relief of W. W. Wall, reported the same without amendment, accompanied by a report

(No. 1323), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 28059) to reimburse Gaston R. Poitevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) light station, as recommended by the Lighthouse Board, reported the same without amendment, accompanied by a report (No. 1324), which said bill and report were referred to the Private Calendar.

Mr. FOWLER, from the Committee on Claims, to which was referred the bill (H. R. 28082) for the relief of Jeanie G. Lyles, reported the same with amendment, accompanied by a report (No. 1325), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 28079) for the relief of Oscar F. Lackey, reported the same without amendment, accompanied by a report (No. 1326), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (H. R. 28049) for the relief of John H. Rheinlander, reported the same with amendment, accompanied by a report (No. 1327), which said bill and report were referred to the Private Calendar.

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (H. R. 28041) to carry out the findings of the Court of Claims in the case of James H. Dennis, reported the same without amendment, accompanied by a report (No. 1328), which said bill and report were referred to the Private Calendar.

Mr. AINEY, from the Committee on Claims, to which was referred the bill (H. R. 28090) to carry out the findings of the Court of Claims in the case of Herbert O. Dunn, reported the same without amendment, accompanied by a report (No. 1329), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 28085) for the relief of the heirs of the late Peter Deel, reported the same without amendment, accompanied by a report (No. 1330), which said bill and report were referred to the Private Calendar.

Mr. AINEY, from the Committee on Claims, to which was referred the bill (H. R. 28070) for the relief of J. N. Whittaker, reported the same without amendment, accompanied by a report (No. 1331), which said bill and report were referred to the Private Calendar.

Mr. POUL, from the Committee on Claims, to which was referred the bill (H. R. 28045) for the relief of W. H. Carter, reported the same without amendment, accompanied by a report (No. 1332), which said bill and report were referred to the Private Calendar.

Mr. LEVY, from the Committee on Claims, to which was referred the bill (H. R. 8849) for the relief of Emory Scott Land, reported the same without amendment, accompanied by a report (No. 1333), which said bill and report were referred to the Private Calendar.

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (H. R. 21234) for the relief of George T. Larkin, reported the same with amendment, accompanied by a report (No. 1334), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13447) granting a pension to Frederick M. Miller, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 28140) to acquire a site for post-office building on East Sixty-third Street in the city of Chicago, State of Illinois; to the Committee on Public Buildings and Grounds.

By Mr. LAFFERTY: A bill (H. R. 28141) providing for second homestead and desert-land entries; to the Committee on the Public Lands.

By Mr. KENT: A bill (H. R. 28142) for the protection and increase of State game preserves; to the Committee on Agriculture.

By Mr. FOSTER: A bill (H. R. 28143) for the erection of laboratories and other buildings for the Bureau of Mines, at Pittsburgh, Pa., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. GUERNSEY: A bill (H. R. 28144) authorizing the Secretary of War to furnish to the Hannah Weston Chapter, Daughters of the American Revolution Society, of Machias, in the State of Maine, three condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 28145) to provide for the enlargement of the Federal building and the site thereof at Newburgh, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 28146) to provide for the payment of improvement taxes assessed against unsold town lots in Oklahoma belonging to any of the Five Civilized Tribes; to the Committee on Indian Affairs.

By Mr. PUJO: A bill (H. R. 28147) for the appropriation of an additional sum for the construction of a public building and the purchase of a site at Crowley, La.; to the Committee on Public Buildings and Grounds.

By Mr. CURLEY: A bill (H. R. 28148) establishing compensation of certain customs officials; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: A bill (H. R. 28179) to provide for the erection of a public building at Newburyport, in the State of Massachusetts; to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 28149) granting a pension to Evaline Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28150) to correct the military record of Oliver T. Worman; to the Committee on Military Affairs.

Also, a bill (H. R. 28151) granting an increase of pension to James M. Dumenil; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 28152) granting an increase of pension to Mary E. Hollister; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 28153) granting an increase of pension to Rachel Stewart; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 28154) for the relief of Daniel J. Ryan; to the Committee on Claims.

Also, a bill (H. R. 28155) granting an increase of pension to Margaret E. L. Kenny; to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 28156) granting a pension to Mary MacArthur; to the Committee on Pensions.

Also, a bill (H. R. 28157) granting an increase of pension to Albert J. Bailey; to the Committee on Invalid Pensions.

By Mr. DONOHUE: A bill (H. R. 28158) authorizing Capt. P. H. Uberroth, United States Revenue-Cutter Service, and Gunner Carl Johansson, United States Revenue-Cutter Service, to accept watches tendered to them by the Canadian Government; to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: A bill (H. R. 28159) deeding to city of Oneonta, N. Y., a 10-foot strip of land off South Main Street side of the Federal building site in said city; to the Committee on Public Buildings and Grounds.

By Mr. FERGUSON: A bill (H. R. 28160) granting an increase of pension to Maria C. Lopez; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28161) to provide compensation for the owners of property injured or destroyed by overflow caused by the Government works at Lake McMillan, a part of the Carlsbad project in New Mexico; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 28162) granting an increase of pension to William R. Sanner; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 28163) granting a pension to Annette B. Wanson; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 28164) granting an increase of pension to Isaiah Davis; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 28165) granting an increase of pension to Barbara Wilkinson; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 28166) granting an increase of pension to Ora E. Jones; to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 28167) granting an increase of pension to Harlow J. Greenfield; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 28168) granting an increase of pension to Sarah E. McCann; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 28169) granting an increase of pension to Sophia Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28170) granting an increase of pension to Susanna Barclay; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 28171) for the relief of the heirs of John Y. Jackson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 28172) granting an increase of pension to Oscar Knott; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 28173) granting an increase of pension to James L. Young; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 28174) granting an increase of pension to Robert Morray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28175) granting an increase of pension to Louisa M. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28176) granting an increase of pension to Henry C. Nevill; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 28177) granting an increase of pension to Joseph Legarde; to the Committee on Pensions.

Also, a bill (H. R. 28178) to remove the charge of desertion from Wilson Douglas; to the Committee on Military Affairs.

By Mr. COVINGTON: A bill (H. R. 28181) for the relief of James A. Merritt; to the Committee on Claims.

By Mr. NEELEY: A bill (H. R. 28182) granting a pension to Margaret E. Oursborn; to the Committee on Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 28183) granting an increase of pension to Fannie E. Newberry; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the National Wholesale Liquor Dealers' Association of America, Cincinnati, Ohio, protesting against the passage of the Kenyon liquor bill (S. 4043), preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the American Federation of Labor, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

By Mr. AYRES: Petition of the Eastern Talking Machine Dealers' Association, protesting against the passage of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. BATES: Petition of the Baptist, Methodist, Presbyterian, and United Brethren Churches, Union City, Pa., favoring the passage of the Kenyon "red light" injunction bill, for cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the State Federation of Pennsylvania Women, favoring the passage of the Page bill (S. 3), for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. CALDER: Petition of the Brooklyn Merchants Ladies' Tailors Association, Brooklyn, N. Y., protesting against any reduction of tariff on wearing apparel imported from foreign countries; to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the Eastern Talking Machine Dealers' Association, New York, protesting against the passage of section 2 of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. FORNES: Petition of the Eastern Talking Machine Dealers' Association and Joseph P. Glassmacher, New York, N. Y., protesting against the passage of section 2 of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the Navy League of the United States, Washington, D. C., favoring the passage of House bill 1309, for appointing a council of national defense; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of the Eastern Talking Machine Dealers' Association, protesting against the passage of section 2 of the Oldfield patent bill, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of Wesley J. Knaggs, Bay City, Mich., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of Judson G. Wall, New York, favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

By Mr. GEORGE: Petition of citizens of New York, N. Y., favoring the passage of House bill 26277, to establish a United States court of patent appeals; to the Committee on Patents.

By Mr. HAYDEN: Petition of X. N. Steeves and sundry other citizens of northern Arizona, protesting against the passage of the Lever bill (H. R. 19857) providing for the leasing of the public domain; to the Committee on the Public Lands.

By Mr. HAYES: Petition of Leon Lebhmann, A. Levy, Charles Doulan, J. M. Waterman, Charles F. Blackstock, Louis G. Maulhardt, Joseph D. McGrath, and I. W. Stewart, of Oxnard, Cal., protesting against the proposed reduction of tariff on sugar; to the Committee on Ways and Means.

By Mr. KINDRED: Petition of the Eastern Talking Machine Dealers' Association, New York, protesting against the passage of section 2 of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the board of trustees of the Trinity Methodist Episcopal Church, Astoria, Long Island, N. Y., favoring the passage of the Kenyon bill (S. 4043), preventing the shipment of liquor into dry territory; to the Committee on the Territories.

By Mr. MILLER: Petition of farmers and citizens of Minnesota, protesting against any legislation proposing a reduction of tariff on foreign potato starch; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Resolutions of the board of directors of the Philadelphia Chamber of Commerce, favoring legislation to build a 1,700-foot dry dock at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. NEELEY: Petition of citizens of Langdon, Kans., favoring the passage of the Kenyon-Sheppard bill, for preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. PUJO: Letter from the Secretary of the Treasury with reference to the building of the post office at Crowley, La.; to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: Papers to accompany bill for the relief of the estate of John Y. Jackson, Giles County, Tenn.; to the Committee on War Claims.

By Mr. SCULLY: Petition of Thomas A. Edison (Inc.), Orange, N. J., protesting against the passage of the Oldfield patent bill (H. R. 23417), prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. TILSON: Petition of the Eastern Talking Machine Dealers' Association, New York, protesting against the passage of the Oldfield patent bill, prohibiting the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

By Mr. WEEKS: Petition of citizens of Newtonville, Mass., favoring the passage of the Kenyon-Sheppard liquor bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Papers to accompany bill (H. R. 28016), granting an increase of pension to Catharine J. Wesley; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 28015) granting a pension to Wesley C. Beatty; to the Committee on Pensions.

SENATE.

FRIDAY, January 17, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. HITCHCOCK (at the Vice President's desk) directed the Secretary to read the following communication:

UNITED STATES SENATE,
Washington, D. C., January 17, 1913.

To the Senate:

I hereby name Hon. GILBERT M. HITCHCOCK, junior Senator from the State of Nebraska, to perform the duties of the Chair during my absence Friday, the 17th day of January, 1913.

AUGUSTUS O. BACON,
President of the Senate pro tempore.

Mr. HITCHCOCK thereupon took the chair as presiding officer for to-day, and directed that the Journal be read.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CULBERSON and by unani-

mous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate: H. R. 19544. An act to amend section 9 of the immigration act, approved February 20, 1907; and

H. R. 20195. An act to amend the naturalization laws.

CREDENTIALS.

Mr. JOHNSON of Maine presented the credentials of EDWIN C. BURLEIGH, chosen by the Legislature of the State of Maine a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

Mr. CRANE presented the credentials of JOHN W. WEEKS, chosen by the Legislature of the State of Massachusetts a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented resolutions adopted by sundry citizens of Brooklyn, N. Y., favoring the ratification of an arbitration treaty between the United States and Great Britain regarding Panama Canal tolls, which were referred to the Committee on Foreign Relations.

Mr. JOHNSON of Maine presented a petition of sundry citizens of Fryeburg, Me., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. McLEAN presented a petition of sundry citizens of Canaan, Conn., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. GRONNA presented a petition of sundry citizens of Wimbeldon, N. Dak., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. BROWN presented a petition of sundry citizens of Laurel, Nebr., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. ROOT presented the petition of Miss Eugenia McGarrah, of Brooklyn, N. Y., praying for the passage of the so-called Kenyon red-light bill, which was ordered to lie on the table.

Mr. WORKS presented a memorial of the pupils in the history and civil-government classes of the Pine Avenue School, of Long Beach, Cal., approving certain legislation regarding the Panama Canal and remonstrating against interference from any other country with the commercial policy of the United States, which was referred to the Committee on Inter-oceanic Canals.

THE PRESIDENTIAL TERM.

Mr. WORKS. I have here a memorial of the National Business League of America in support of Senate joint resolution 78, together with some short newspaper editorials bearing upon the same subject. Some of these editorials go back as far as 1904, at which time this same business league was supporting the principle involved in the joint resolution. I ask that the memorial and the editorials be printed in the RECORD.

There being no objection, the matter was ordered to lie on the table, and to be printed in the RECORD, as follows:—

THE BEGINNING OF THE MOVEMENT FOR A SINGLE SIX-YEAR TERM FOR THE PRESIDENT OF THE UNITED STATES OF AMERICA.

At a meeting of the executive committee of the National Business League, held in Chicago, January 14, 1904, a movement was inaugurated, by unanimous adoption of the following preamble and resolutions, to amend the Constitution of the United States, so as to provide for a six-year presidential term, making the Chief Executive ineligible for reelection:

Whereas in view of the vast, diversified, and rapidly increasing industries and commerce of the United States and the multitude of people relying on the successful operation of productive and trade enterprises, which, to be continuously and evenly prosperous, should be unhampered by frequent distracting influences of the public mind; and Whereas the President of the United States of America is, as provided in section 1, Article II, of the Constitution of the United States, elected to office for the brief term of four years, and thereafter is eligible for reelection as President for a like term or terms; and Whereas a presidential campaign, aside from its frequent recurrence, and by reason of its expensive methods, inevitable political excitement over candidates, new issues and the possibility of a change of policy by new administrations, especially as to the tariff and finances, involves the commercial interests of the country in a condition of unrest and uncertainty, producing a partial paralysis of business activities and delaying promotion of new undertakings for at least one year before and possibly for some time subsequent to, the election of a Chief Executive: Therefore be it

Resolved, That, as a measure of the greatest import to the manufacturing and commercial interests, wage earners, and the people generally, by reason of a consequent longer period of industrial tran-